रजिस्ट्री सं. डी. एल. (एन) 04/0007/2003–05 REGD. No. D. L. (N) 04/0007/2003—05

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सं. 23] नई दिल्ली, जून 10—जून 16, 2018, शनिवार/ज्येष्ठ 20—ज्येष्ठ 26, 1940
No. 23] NEW DELHI, JUNE 10—JUNE 16, 2018, SATURDAY/JYAISTHA 20—JYAISTHA 26, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 31 मई, 2018

का.आ. 927.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा, केंद्र सरकार भारत के दूतावास, मस्कत में श्री सोणी जोसफ, सहायक अनुभाग अधिकारी को दिनांक 31 मई, 2018 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/01/2016]

प्रकाश चन्द, निदेशक (कोंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 31st May, 2018

S.O. 927.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Sonny Joseph, Assistant Section Officer as Assistant Consular Officer in Embassy of India, Muscat to perform the Consular services with effect from 31st May, 2018.

[No. T-4330/01/2016]

PRAKASH CHAND, Director (Consular)

नई दिल्ली, 31 मई, 2018

का.आ. 928.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा, केंद्र सरकार भारत के उच्चायोग, दार-ए-सलाम में श्री नाचोन्सो, सहायक अनुभाग अधिकारी को दिनांक 31 मई, 2018 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/06/2018]

प्रकाश चन्द, निदेशक (कोंसुलर)

New Delhi, the 31st May, 2018

S.O. 928.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Ngachonso, Assistant Section Officer as Assistant Consular Officer in High Commission of India, Dar-es-Salaam to perform the Consular services with effect from 31st May, 2018.

[No. T-4330/06/2018]

PRAKASH CHAND, Director (Consular)

नई दिल्ली, 1 जून, 2018

का.आ. 929.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्द्वारा, केंद्र सरकार भारत के उच्चायोग, विक्टोरिया में श्रीमती आरती तिवारी, सहायक अनुभाग अधिकारी को दिनांक 1 जून, 2018 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/05/2018]

प्रकाश चन्द, निदेशक (कोंसुलर)

New Delhi, the 1st June, 2018

S.O. 929.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Smt. Arti Tiwari, Assistant Section Officer as Assistant Consular Officer in High Commission of India, Victoria to perform the Consular services with effect from 1st June, 2018.

[No. T-4330/05/2018]

PRAKASH CHAND, Director (Consular)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 15 मार्च, 2018

का.आ. 930.—केंद्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं0 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री मनोहरन पी., अधिवक्ता को, केरल राज्य और लक्षद्वीप संघ राज्यक्षेत्र में दिल्ली विशेष पुलिस स्थापन (केन्द्रीय अन्वेषण ब्यूरो) द्वारा संस्थित अपीलों, पुनरीक्षणों और उससे संबंधित और उसके आनुषंगिक अन्य मामलों का संचालन के लिए, नियुक्ति की तारीख से तीन वर्ष के लिए या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/24/2017—एवीडी—II]

एस. पी. आर. त्रिपाठी, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 15th March, 2018

S.O. 930.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Manoharan P. Advocate, as a Special Public Prosecutor for conducting prosecution of cases instituted by Delhi Special Police Establishment in the State of Kerala and Union territory of Lakshadweep as entrusted to him by the Central Bureau of Investigation in the trial courts, appeals, revisions and other matters arising out of these cases in Revisional or Appellate Courts established by law, for a period of three years from the date of appointment or further orders whichever is earlier.

[F.No. 225/24/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 5 जून, 2018

का.आ. 931.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्य प्रदेश राज्य सरकार की अधिसूचना सं. F-12-28/2017/b-1/TWO दिनांक 02.03.2017 के माध्यम से प्राप्त सहमति से फेडरेशन ऑफ डेयरी कोऑपरेटिव एसोसियेशन ऑफ इबाराकी (FDCAI) पीएचपी फाइलों को सर्वर में प्लांट करने के लिए सर्वर कंप्यूटर तक अनाधिकृत एक्सेस और संयुक्त राष्ट्र में स्थित वित्तीय संस्थानों के विरूद्ध DDoS Attack करने के लिए एक केन्द्र के रूप से तैयार किया और इस प्रकार सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 43 के साथ पठित धारा 66 के सदृश जापान के अनाधिकृत कंप्यूटर एक्सेस निषेध अधिनियम के अनुच्छेद 2-4, अनुच्छेद 3 एवं अनुच्छेद 11 का उल्लंघन किया और FDCAI को क्षति पहुंचाने से संबंधित विधिक सहायता के लिए जापान दूतावास, नई दिल्ली तथा विदेश मंत्रालय, नई दिल्ली/गृह मंत्रालय, नई दिल्ली के माध्यम से राष्ट्रीय पुलिस एजेन्सी से प्राप्त अनुरोध पत्र (नोट वर्बेल सं. 1/67/14 दिनांक 19.02.2014) की जांच करने के लिए तथा उक्त मामले से सम्बद्ध अपराधों में किए गए प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों तथा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न प्रासंगिक अन्य अपराधों की जांच करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का समस्त मध्य प्रदेश राज्य में विस्तार करती है।

[फा. सं. 228/82/2014-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 5th June, 2018

S.O. 931.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Madhya Pradesh issued vide Notification No.F-12-28/2017/B-1/TWO dated 02.03.2017 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Madhya Pradesh for investigation in respect of execution of Letters Rogatory received from the National Police Agency Japan through Embassy of Japan, New Delhi (Note Verbale No. 1/67/14 dated 19.02.2014) and Ministry of External Affairs, Ministry of Home Affairs, New Delhi for legal assistance relating to a case of violation of the Act on the Prohibition of unauthorized access to the server computer of the Federation of Dairy Co-operative Association of Ibaraki (FDCAI) planting PHP files in the server, and made it as a Springboard to make DDoS Attack against financial institutions located in the United States and thus caused damage to FDCAI which correspond to violation of article 2-4, article 3 and article 11 of Act on the Prohibition of Unauthorized Computer Access of Japan corresponding to section 43 r/w section 66 of Information Technology Act, 2000 and any other offence(s), attempt(s), abetments and conspiracies in relation to or in connection with above mentioned offence and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[F. No. 228/82/2014-AVD-II]

S. P. R. TRIPATHI, Under Secy.

शुद्धिपत्र

नई दिल्ली, 5 जून, 2018

का.आ. 932.—केन्द्र सरकार एतद्द्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बिहार राज्य सरकार के गृह विभाग की अधिसूचना सं.

8/सीबीआई-80-05/2007 एचपी-6888/पटना दिनांक 24.08.2017 में जारी शुद्धिपत्र संख्या 8/सीबीआई-80-05/2007 एचपी-3253/पटना दिनांक 17.04.2018 के माध्यम से प्राप्त सहमति से अपनी अधिसूचना एफ. सं. 228/02/2018-एवीडी-II दिनांक 19.03.2018 में निम्नलिखित शुद्धिपत्र जारी करता है ।

उपरोक्त अधिसूचना दिनांक 19.03.2018 में "भागलपुर एवं सहरसा में सरकारी बैंक खातों" को "भागलपुर एवं बांका में सरकारी बैंक खाते" पढ़ा जाएगा ।

उपरोक्त अधिसूचना दिनांक 19.03.2018 की शेष अंतर्वस्तु यथावत रहेगी ।

[फा. सं. 228/02/2018-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

CORRIGENDUM

New Delhi, the 5th June, 2018

S.O. 932.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Bihar, Home Department, issued vide Corrigendum No. 8/C.B.I.-80-05/2017 HP-3253 Patna Dated 17.04.2018 issued in Notification No. 8/C.B.I.-80-05/2017 HP-6888 Patna Dated 24.08.2017, hereby issues the following Corrigendum in it Notification F.No. 228/02/2018-AVD-II dated 19.03.2018 :

"Government Bank Accounts in Bhagalpur and Saharsa" in the aforesaid Notification dated 19.03.2018 shall be read as "Government Bank Accounts in Bhagalpur and Banka".

Remaining contents of aforesaid Notification dated 19.03.2018 shall remain the same.

[F. No. 228/02/2018-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 6 जून, 2018

का.आ. 933.—केन्द्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए त्रिपुरा राज्य सरकार, गृह विभाग अगरतला की अधिसूचना सं. एफ.21(2)-पीडी/12(पी)/873 दिनांक 17.03.2018 के माध्यम से प्राप्त सहमति से सुदीप दत्ता भौमिक, सयनदान पत्रिका के पत्रकार, अगरतला की हत्या के संबंध में भारतीय दंड संहिता की धारा 302/120बी, 1860(1860 का अधिनियम संख्या 45), तथा आयुध अधिनियम की धारा 27 के अंतर्गत, बोधजोंग नगर पुलिस थाना मामला संख्या 2017/बीजेएन/50, दिनांक 21.11.2017 में अन्वेषण के लिए तथा उक्त मामले में भारतीय दंड संहिता में वर्णीत एक अथवा एक से अधिक अपराधों से सम्बद्ध में किए गए प्रयासों, दुष्प्रेरणाओं और षड्यंत्रों तथा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न प्रासंगिक कोई अन्य अपराध अथवा अपराधों की जांच करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त त्रिपुरा राज्य में करती है ।

[फा. सं. 228/15/2018-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 6th June, 2018

S.O. 933.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of State Government of Tripura, Home Department issued vide Notification No. F.21(2)-PD/12(P)/873 dated Agartala, 17.03.2018, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Tripura for investigation in the Bodhjong Nagar PS Case No. 2017/BJN/50 dated 21.11.2017 U/s 302/120(B) of the Indian Penal Code, 1860(Act No. 45 of 1860), and 27 of Arms Act in connection with the death of Sudip Datta Bhowmik, a reporter of the Syandan Patrika, Agartala and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned in the Indian Penal Code and any other offence or offences committed in the course of the same transaction or arising out of the said facts.

[F. No. 228/15/2018-AVD-II]

S. P. R. TRIPATHI, Under Secy.

नई दिल्ली, 7 जून, 2018

का.आ. 934.—केन्द्र सरकार एतद्द्वारा दंड प्रकिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए गाजियाबाद स्थित विचारण न्यायालय में (1) आरसी ईओडब्ल्यू–II 02 ई 1995, एमएमटीसी मामला, के.अ. ब्यूरो बनाम रमन मेहता (2) आरसी 3 ई 1998 ईओडब्ल्यू–II एमएमटीसी मामला (3) आरसी 3 ई 2002 ईओडब्ल्यू–II, एमएमटीसी मामला (4) आरसी 7 ई 2003 ईओडब्ल्यू–II मैसर्स अदानी एक्सपोर्ट (5) आरसी 6 ई 2003 ईओडब्ल्यू–II मैसर्स जगदम्बा पेट्रोलियम प्रा. लि. (6) आरसी 6 ई 2003 ईओडब्ल्यू–II मैसर्स दूर्गा ओवरसीज, के.अ.ब्यूरो, बनाम परवीन चुग के विचारण तथा इनसे उत्पन्न प्रासंगिक अन्य मामलों में अपील/पुनरीक्षण का संचालन करने के लिए श्री आर.बी. शर्मा, अधिवक्ता को उनकी नियुक्ति की तारीख से तीन वर्षों के लिए अथवा अधिवक्ता को सौंपे गए मामलों के निपटान होने तक अथवा अगले आदेशों तक, जो भी पहले हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/14/2017-एवीडी-II]

एस. पी. आर. त्रिपाठी, अवर सचिव

New Delhi, the 7th June, 2018

S.O. 934.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri R.B. Sharma, Advocate as the Special Public Prosecutor for conducting cases (1) RC EOW – II 02E 1995, MMTC case, CBI Vs. Raman Mehta; (2) RC 3 E 1998 EOW-II MMTC case; (3) RC 3 E 2002 EOW-II, MMTC case; (4) RC 7 E 2003 EOW-II M/s. Adani Exports; (5) RC 6 E 2003 EOW-II M/s. Jagdamba Petrolium Pvt. Ltd.; and (6) RC 6 E 2003 EOW-II M/s. Durga Overseas, CBI, V/s Parveen Chugh before the trial court at Ghaziabad and appeals, revisions or other matters connected therewith and incidental thereto for a period of three years from the date of appointment or disposal of the cases entrusted to the Counsel or until further orders whichever is earlier.

[F. No. 225/14/2017-AVD-II]

S. P. R. TRIPATHI, Under Secy.

वाणिज्य एवं उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 7 जून, 2018

का.आ. 935.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12 के उपनियम (2) व (3) के साथ पठित, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मित्रा एस.के. प्राइवेट लिमिटेड, हाउसिंग बोर्ड कोलोनी, एचबी -४४, मधुबन, पारादीप, जिला जगतसिंघपुर, ओडिशा – 754142, को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए खनिज और अयस्क के निरीक्षण करने के लिए भारत सरकार के वाणिज्य मंत्रालय की शासकीय राजपत्र भाग-II, खंण्ड-3, उप-खंण्ड (ii), में दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3975 तथा दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3978 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क क्रमश:

(क) मैंगनीज अयस्क, आयरन अयस्क, फेरोमैंगनीज स्लैग समेत फेरोमैंगनीज

(ख) मैंगनीज डाइऑक्साइड तथा क्रोम कंसन्ट्रेट सहित क्रोम अयस्क

को निर्यात से पूर्व निम्नलिखित शर्तों के अधीन पारादीप पत्तन, धामरा पत्तन तथा गोपालपुर पत्तन, में एक अभिकरण के रुप में मान्यता देती है, अर्थात्:

(i) यह अभिकरण, खनिज और अयस्क समूह-I के निर्यात (निरीक्षण) नियम, 1965 तथा खनिज और अयस्क समूह-II के निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा निमित्त नामनिर्दिष्ट अधिकारियों को पर्याप्त सुविधाएं देगा; और

(ii) यह अभिकरण, इस अधिसूचना के अधीन अपने कार्यों के पालन में निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर, लिखित रूप में, दिए गए ऐसे निर्देशों से आबद्ध होगा।

[फा. सं. के-16014/3/2018-निर्यात निरीक्षण]

संतोष कुमार सारंगी, संयुक्त सचिव (निर्यात निरीक्षण विभाग)

MINISTRY OF COMMERCE AND INDUSTRY

(Department of Commerce)

New Delhi, the 7th June, 2018

S.O. 935.—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) read with sub-rule (2) and (3) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognizes M/s Mitra S.K. Private Limited, Housing Board Colony, HB-44, Madhuban, Paradip, District. Jagatsinghpur, Odisha-754142, as an agency for a period of three years from the date of publication of this notification, for the inspection of-

(a) Manganese ore, Iron Ore , Ferromanganese including Ferromanganese Slag and

(b) Manganese Dioxide and Chrome Ore including Chrome Concentrate

specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, vide number S.O. 3975 dated the 20th December, 1965, and S.O.3978 dated the 20th December, 1965 respectively, prior to export of the said Minerals and Ores at Paradip Port, Dhamra Port, Gopalpur Port, subject to the following conditions, namely: -

(i) the said agency shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965 and Export of Minerals and Ores - Group II (Inspection) Rules, 1965;

(ii) the said agency shall, in performance of its function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F.No. K-16014/3/2018- Export Inspection]

SANTOSH KUMAR SARANGI, Jt. Secy. (Export Inspection Division)

विद्युत मंत्रालय

नई दिल्ली, 10 मई, 2018

का.आ. 936.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन एनटीपीसी लिमिटेड के तालचेर थर्मल पावर स्टेशन, तालचेर अंगुल-759101 (ओडिशा) तथा फरक्का सुपर थर्मल पावर स्टेशन, नबारुण, मुर्शिदाबाद-742236 (पश्चिम बंगाल), जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्द्वारा अधिसूचित करती है।

[सं. 11011/9/2017-हिंदी]

भारती, संयुक्त सचिव

MINISTRY OF POWER

New Delhi, the 10th May, 2018

S.O. 936.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby, notify the TALCHER THERMAL POWER STATION, TALCHER, ANGUL-759101 (ORISSA) and FARAKKA SUPER THERMAL POWER STATION, NABARUN, MURSHIDABAD-742236 (W.B.) of NTPC Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi.

[No.11011/9/2017-Hindi]

BHARATI, Jt. Secy.

कोयला मंत्रालय

नई दिल्ली, 12 जून, 2018

का.आ. 937.—केन्द्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम,1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र के भाग II, खंड 3, उप-खंड (ii), तारीख 6 अगस्त, 1994 में प्रकाशित, भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 1857, तारीख 24 जून, 1994, में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना की सारणी में क्रम संख्यांक 57 और इससे संबंधित प्रविष्टियों के पश्चात् , निम्नलिखित क्रम संख्यांक और प्रविष्टियां अंत:स्थापित की जाएंगी, अर्थात्:—

सारणी

अधिकारी का नाम	सरकारी स्थानों का प्रवर्ग
'' 58. उप-क्षेत्र प्रबंधक, पेनगंगा ओपनकास्ट परियोजना, वणी क्षेत्र, डाकघर – विरूर, तहसील-कोरपाना, जिला चन्द्रपुर, महाराष्ट्र ।	परियोजना कार्यालय, स्टोर्स, इलेक्ट्रिकल और मैकेनिकल और एक्सकेवेशन वर्कशाप के सभी परिसर, 33 केवी उप-स्टेशन, पिट कार्यालय, कैन्टीन और सम्बद्ध खनन क्षेत्र 743.83 हेक्टेयर भूमि पर आच्छादित, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 के अंतर्गत अधिग्रहीत किया गया और पेनगंगा ओपनकास्ट परियोजना के लिए पूर्ववर्ती भूमि अधिग्रहण अधिनियम, 1894 (1894 का 1) के अंतर्गत 4.23 हेक्टेयर भूमि पर पेनगंगा नदी और उपमार्ग सड़क का पुल अधिग्रहीत किया गया ।''

[फा.सं. 43022/5/2018-एलए एण्ड आईआर]

आर. एस. सरोज, अवर सचिव

टिप्पण : मूल अधिसूचना, संख्यांक का.आ. 1857, तारीख 24 जून, 1994, द्वारा भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 6 अगस्त, 1994 में प्रकाशित की गई थी ।

MINISTRY OF COAL

New Delhi, the 12th June, 2018

S.O. 937.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorized Occupants), Act, 1971 (40 of 1971), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Coal, number S.O. 1857, dated the 24th June, 1994, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 6th August, 1994.

In the Table of the said notification, after serial number 57 and the entries relating thereto, the following shall be inserted, namely:-

TABLE

Designation of the officer	Categories of Public Premises
"58. Sub- Area Manager, Penganga Opencast Project, Wani Area, At and Post – Wirur, Tehsil-Korpana, District Chandrapur, Maharashtra.	All Premises of Project office, Stores, Electrical and Mechanical and Excavation Work Shop, 33 Kv Sub-Station, Pit Office, Canteen and allied Mining Area covered on 743.83 hectare Land acquired under Coal Bearing Areas (Acquisition and Development) Act, 1957 and River Bridge on Penganga River and approach road on 4.23 hectare Land acquired under the erstwhile Land Acquisition Act, 1894(1 of 1894) for Penganga Opencast Project".

[F.No. 43022/5/2018-LA&IR]

R. S. SAROJ, Under Secy.

Note : The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii), *vide* number S.O. 1857, dated the 24th June,1994, published on dated the 6th August,1994.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 7 जून, 2018

का.आ. 938.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में, उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है :—

1. केन्द्रीय भंडारण निगम,
   सेंट्रल वेयरहाऊस, नासिक रोड,
   देवलाली विलेज, रेलवे स्टेशन के पास,
   नासिक-422101

[सं. ई-11011/1/2008-हिंदी]

कमल दत्ता, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 7th June, 2018

S.O. 938.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notifies the following office under the administrative control of the Ministry of Conumer Affairs, Food and Public Distribution (Department of Food and Public Distribution), whereof more than 80% of staff have acquired the working knowledge of Hindi :

1. Central Warehousing Corporation,
   Central Warehouse, Nasik Road,
   Devlali Village, Near Railway Station,
   Nasik-422101

[No. E-11011/1/2008- Hindi]

KAMAL DATTA, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 जून, 2018

का.आ. 939.—तेल उद्योग (विकास) अधिनियम 1974 (1974 का 47) की धारा (3) की उपधारा (3)(क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्वारा श्री अमर नाथ, संयुक्त सचिव (अन्वेषण), पेट्रोलियम और प्राकृतिक गैस मंत्रालय को दिनांक 01.06.2018 से 31.05.2020 तक अथवा अगले आदेश होने तक, जो भी पहले हो, तेल उद्योग विकास बोर्ड के सदस्य के रूप में नियुक्त करती है।

[फा.सं. जी-38011/41/2016-वित्त-I]

पेरिन देवी, निदेशक

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th June, 2018

S.O. 939.—In exercise of the Powers conferred by Sub-Section (3)(a) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Shri Amar Nath, Joint Secretary(Exploration), Ministry of Petroleum & Natural Gas as a member of the Oil Industry Development Board w.e.f. 01-06-2018 to 31-05-2020 or until further orders, whichever is earlier.

[F.No. G-38011/41/2016-Fin.I]

PERIN DEVI, Director

नई दिल्ली, 8 जून, 2018

का.आ. 940.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962, (1962 का 50) की धारा 2 के खण्ड (अ) के अनुसरण में 26 नवम्बर, 2011 को भारत के राजपत्र में प्रकाशित, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3384 तारीख 16 नवम्बर, 2011 में निम्नलिखित रूप में **संशोधन करती है** :-

"श्री अनिल कुमार, उप प्रबन्धक (तकनीकी सेवाए) " **शब्दों के स्थान पर**, "श्री महेंद्र कुमार साहू , वरिष्ठ अनुरक्षण प्रबन्धक, " **शब्द रखे जाएंगे**।

यह अधिसूचना जारी होने की तारीख से लागू होगी ।

[फा. सं. आर-11025(11)/239/2017-ओआर-I/ई-13892]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 940.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of Government of India in Ministry of Petroleum and Natural Gas S.O. 3384 dated 16th November 2011, published in the Gazette of India on 26th November, 2011 namely:

In the said notification, **for the words** "Shri Anil Kumar, Dy. Manager (Technical Services)" **the words** "Shri Mahendra Kumar Sahoo, Senior Maintenance Manager" **shall be substituted**.

The notification is applicable from the date of issue.

[F. No. R-11025(11)/239/2017-OR-I/E-13892]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 8 जून, 2018

का.आ. 941.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2754 तारीख 7 दिसम्बर 2017, जो भारत के राजपत्र तारीख 9 दिसम्बर 2017, में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बिहार राज्य में ''पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन'' के अन्तर्गत जिला गोपालगंज में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 मार्च 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाईपलाईन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम ओर खनिज पाईपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाईपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : गोपालगंज			राज्य : बिहार		
मौजा /ग्राम	सर्वे / ब्लाक / सं. (प्लोट सं.)	सब–डीव–सं.	क्षेत्रफल		
			हेक्टयर	आरे	वर्गमीटर
1	2	3	4	5	6
टेकेनवास	515		00	12	84
थाना नंबर–362	491		00	00	24
	516		00	01	02
	514		00	01	56
	513		00	02	12
महम्मदपुर	2623		00	07	82
थाना नंबर–310	2621		00	07	40
	2622		00	00	93
	2735		00	01	36
	2734		00	17	62
	2729		00	06	64
	2730		00	02	66
	2728		00	04	65
	2726		00	02	86
	2727		00	09	78
पीपरा	320		00	03	84
थाना नंबर –388	321		00	02	01
	312		00	01	64
	176		00	00	96

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 941.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2754 dated the 7th December, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (here in after referred to as the said Act), published in the Gazette of India dated the 9th December, 2017, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying "Patna -

Motihari - Baitalpur Branch Pipeline" for the transportation of Petroleum Products in Gopalgunj District the state of Bihar by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 11th March, 2018;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

District : Gopalgunj				State : Bihar	
Mouja / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Teknewas	515		00	12	84
Thana no.-362	491		00	00	24
	516		00	01	02
	514		00	01	56
	513		00	02	12
Mahammadpur	2623		00	07	82
Thana no.-310	2621		00	07	40
	2622		00	00	93
	2735		00	01	36
	2734		00	17	62
	2729		00	06	64
	2730		00	02	66
	2728		00	04	65
	2726		00	02	86
	2727		00	09	78
Pipra	320		00	03	84
Thana no.-388	321		00	02	01
	312		00	01	64
	176		00	00	96

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 8 जून, 2018

का.आ. 942.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2685 तारीख 21 नवम्बर 2017, जो भारत के राजपत्र तारीख 2 दिसम्बर 2017, में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बिहार राज्य में ''पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन'' के अन्तर्गत जिला पूर्वी चम्पारण में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 मार्च 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाईपलाईन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम ओर खनिज पाईपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाईपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : पुर्वी चम्पारण			राज्य : बिहार		
मौजा /ग्राम	सर्वे / ब्लोक / सं. (प्लोट सं.)	सब–डीव– सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
बिसरामपुर दुबौलिया थाना नं0–206	473		00	01	93
सेम्भुआपुर थाना नं0–36	1244		00	09	48
	1241		00	01	31
	1240		00	01	11
	1239		00	05	15
नवाडा थाना नं0–180	1885		00	09	91
मिसीर टोला थाना नं0–163	365		00	02	39
लोहियार उज्जैन थाना नंबर–133	1762		00	25	19
	1729		00	00	26
	1730		00	12	03
	2752		00	03	15

	2761		00	19	63
	2597		00	06	05
जयसिंहपुर	4538		00	20	02
थाना नंबर—85	4541		00	03	26
	4540		00	01	38
	4539		00	07	21
	4536		00	11	40
	4464		00	16	35
	4023		00	12	49
	2461/6829		00	05	91
	2387		00	26	16
	2461		00	00	20
	2462		00	02	31
	2463		00	04	01
	2367		00	13	04
	2360		00	28	97
	2361		00	00	40
	2359		00	00	20
	2358		00	00	31
	489		00	16	06
	490		00	01	01
	768		00	10	94
बेलवा राय टोला बैरागी	285		00	05	51
थाना नंबर—72					
छपरा भास	6437		00	04	65
थाना नंबर—56	6405		00	04	49
	7386		00	03	95
	6500		00	05	89
	5979		00	10	27
	5978		00	11	02
	5980		00	10	45
	5981		00	01	62
	5998		00	10	74
	6000		00	00	24
	5999		00	10	50
	6001		00	07	30
	6005		00	00	24
	8183		00	00	37

	6002		00	05	72
	6003		00	00	28
	6024		00	00	24
	6019		00	24	33
	6021		00	05	33
	6020		00	21	85
	5819		00	07	80
	5818		00	00	92
	5820		00	00	53
	5821		00	00	24
	5824		00	09	48
	5788		00	03	24
	5825		00	04	27
	5826		00	00	84
	5831		00	04	13
	5832		00	00	24
	5833		00	00	24
	5830		00	09	25
	5835		00	09	79

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 942.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2685 dated the 21st November, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (here in after referred to as the said Act), published in the Gazette of India dated the 2nd December, 2017, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying "Patna - Motihari - Baitalpur Branch Pipeline" for the transportation of Petroleum Products in East Champaran District the state of Bihar by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 11th March, 2018;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

District : East Champaran				State : Bihar	
Mouja / Village	Survey/Block/No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Bishrampur Dubauliya	473		00	01	93
Thana No.-206					
Shembhuapur	1244		00	09	48
Thana No.-36	1241		00	01	31
	1240		00	01	11
	1239		00	05	15
Nawada	1885		00	09	91
Thana No.-180					
Misir Tola	365		00	02	39
Thana No.-163					
Lohiyar Ujjain	1762		00	25	19
Thana No.-133	1729		00	00	26
	1730		00	12	03
	2752		00	03	15
	2761		00	19	63
	2597		00	06	05
Jaisinghapur	4538		00	20	02
Thana No.-85	4541		00	03	26
	4540		00	01	38
	4539		00	07	21
	4536		00	11	40
	4464		00	16	35
	4023		00	12	49
	2461/6829		00	05	91
	2387		00	26	16
	2461		00	00	20
	2462		00	02	31
	2463		00	04	01
	2367		00	13	04
	2360		00	28	97
	2361		00	00	40
	2359		00	00	20
	2358		00	00	31

	489		00	16	06
	490		00	01	01
	768		00	10	94
Belwa Ray Tola Bairagi Thana No.-72	285		00	05	51
Chhapra Bahas	6437		00	04	65
Thana No.-56	6405		00	04	49
	7386		00	03	95
	6500		00	05	89
	5979		00	10	27
	5978		00	11	02
	5980		00	10	45
	5981		00	01	62
	5998		00	10	74
	6000		00	00	24
	5999		00	10	50
	6001		00	07	30
	6005		00	00	24
	8183		00	00	37
	6002		00	05	72
	6003		00	00	28
	6024		00	00	24
	6019		00	24	33
	6021		00	05	33
	6020		00	21	85
	5819		00	07	80
	5818		00	00	92
	5820		00	00	53
	5821		00	00	24
	5824		00	09	48
	5788		00	03	24
	5825		00	04	27
	5826		00	00	84
	5831		00	04	13
	5832		00	00	24
	5833		00	00	24
	5830		00	09	25
	5835		00	09	79

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 8 जून, 2018

का.आ. 943.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2755 तारीख 7 दिसम्बर 2017, जो भारत के राजपत्र तारीख 9 दिसम्बर 2017, में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बिहार राज्य में ''पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन'' के अन्तर्गत जिला सारन में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 मार्च 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाईपलाईन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम ओर खनिज पाईपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाईपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : सारन			राज्य : बिहार		
मौजा /ग्राम	सर्वे / ब्लाक / सं. (प्लोट सं.)	सब–डीव–सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
काजीपूर	531		00	03	21
थाना नंबर : 514	532		00	03	30
	535		00	05	16
	536		00	01	03
	533		00	08	96
	514		00	06	91
	516		00	13	01
	32		00	23	38
	421		00	00	39
	417		00	05	11
	416		00	04	77
	60		00	01	06
महाराज गंज	23		00	02	07
थाना नंबर : 308					
राजमल पिरारी	427		00	00	20

थाना नंबर : 261	425		00	02	49
टेकनिवास	3179		00	00	20
थाना नंबर : 263	3143		00	00	20
समहुता	4034		00	00	77
थाना नंबर : 234	4033		00	00	20
	4031		00	12	43
	3859		00	07	83
	3851		00	24	23
	3852		00	03	01
	3853		00	02	00
	3823		00	04	60
	3822		00	06	28
	3824		00	00	60
	3749		00	02	38
	3748		00	05	77
	3750		00	01	45
	3745		00	00	91
	3744		00	00	24
	3743		00	05	86
कोपा	583		00	00	66
थाना नंबर : 231	580		00	06	06
	579		00	00	42
पीआनो	2099		00	50	25
थाना नंबर : 200	2073		00	01	47
	2074		00	02	66
	2076		00	00	24
	2075		00	04	14
	2077		00	05	31
	2078		00	05	87
	1981		00	06	24
	1944		00	03	41
	1945		00	00	83
बेलसरा	814		00	02	13
थाना नंबर : 152					
एनायतपुर	2031		00	04	41
थाना नंबर : 156					
धाना डीह	238		00	02	60
थाना नंबर : 95	236		00	03	00

	228		00	01	17
अतारसन थाना नंबर : 6	4802		00	01	27
रसुलपूर थाना नंबर : 99	1011		00	00	20

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 943.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2755 dated the 7th December, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (here in after referred to as the said Act), published in the Gazette of India dated the 9th December, 2017, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying "Patna - Motihari - Baitalpur Branch Pipeline" for the transportation of Petroleum Products in Saran District the state of Bihar by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 11th March, 2018;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

District : Saran					State : Bihar
Mouja / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Qazipur	531		00	03	21
Thana no.- 514	532		00	03	30
	535		00	05	16
	536		00	01	03
	533		00	08	96
	514		00	06	91
	516		00	13	01
	32		00	23	38

	421		00	00	39
	417		00	05	11
	416		00	04	77
	60		00	01	06
Mahrajgunj Thana no.- 308	23		00	02	07
Rajmalpirari	427		00	00	20
Thana no.- 261	425		00	02	49
Teknwas	3179		00	00	20
Thana no.- 263	3143		00	00	20
Samhuta	4034		00	00	77
Thana no.- 234	4033		00	00	20
	4031		00	12	43
	3859		00	07	83
	3851		00	24	23
	3852		00	03	01
	3853		00	02	00
	3823		00	04	60
	3822		00	06	28
	3824		00	00	60
	3749		00	02	38
	3748		00	05	77
	3750		00	01	45
	3745		00	00	91
	3744		00	00	24
	3743		00	05	86
Kopa	583		00	00	66
Thana no.- 231	580		00	06	06
	579		00	00	42
Piano	2099		00	50	25
Thana no.- 200	2073		00	01	47
	2074		00	02	66
	2076		00	00	24
	2075		00	04	14
	2077		00	05	31
	2078		00	05	87
	1981		00	06	24
	1944		00	03	41
	1945		00	00	83
Belsara Thana no.- 152	814		00	02	13
Enaetpur	2031		00	04	41

Thana no.- 156					
Dhana Dih	238		00	02	60
Thana no.- 95	236		00	03	00
	228		00	01	17
Atarsan	4802		00	01	27
Thana no.- 6					
Rasulpur	1011		00	00	20
Thana no.- 99					

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 8 जून, 2018

का.आ. 944.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2688 तारीख 24 नवम्बर 2017, जो भारत के राजपत्र तारीख 2 दिसम्बर 2017, में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बिहार राज्य में ''पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन'' के अन्तर्गत जिला पटना में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 12 मार्च 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाईपलाईन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम ओर खनिज पाईपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाईपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : पटना				राज्य : बिहार	
मौजा /ग्राम	सर्वे / ब्लाक / सं. (प्लोट सं.)	सब–डीव–सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
अल्हानपुरा	2204		00	10	80
थाना नंबर–60					
बीसुनपुरा	680		00	15	79
थाना नंबर–66	682		00	04	62
	404		00	07	05

	403		00	03	38
	402		00	00	26
	377		00	01	10
	379		00	02	73
परखोतीमपुर पैनाठी	950		00	04	16
थाना नंबर–68	927		00	03	64
	929		00	01	16
	928		00	06	78
	930		00	00	32
	923		00	00	63
	922		00	05	32
	921		00	00	89
	616		00	05	31
	617		00	07	59
	618		00	01	08
	622		00	04	26
कुतलुपुर	1225		00	01	33
थाना नंबर–56	511/2716		00	07	65
मुन्सेपुर	521		00	03	18
थाना नंबर–19					
माधोपुर	875		00	00	24
थाना नंबर–21	876		00	02	23
	877		00	01	18
	878		00	06	13
	884		00	03	38
	881		00	07	73
	882		00	09	42
	880		00	01	47
	636		00	02	02
	637		00	02	45
	638		00	02	78
	639		00	00	20
	640		00	09	73
रामबाद	1422		00	02	12
थाना नं०–7/110					

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 944.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2688 dated the 24th November, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (here in after referred to as the said Act), published in the Gazette of India dated the 2nd December, 2017, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying "Patna - Motihari - Baitalpur Branch Pipeline" for the transportation of Petroleum Products in Patna District the state of Bihar by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 12th March, 2018;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

District : Patna			State : Bihar		
Mouja / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Alhanpur	2204		00	10	80
Thana no.60					
Bisunpura	680		00	15	79
Thana no.-66	682		00	04	62
	404		00	07	05
	403		00	03	38
	402		00	00	26
	377		00	01	10
	379		00	02	73
Parkhotimpur	950		00	04	16
Painathi	927		00	03	64
Thana no.-68	929		00	01	16
	928		00	06	78
	930		00	00	32
	923		00	00	63
	922		00	05	32
	921		00	00	89

	616		00	05	31
	617		00	07	59
	618		00	01	08
	622		00	04	26
Kutlupur	1225		00	01	33
Thana no.-56	511/2716		00	07	65
Munsepur	521		00	03	18
Thana no.-19					
Madhopur	875		00	00	24
Thana no.-21	876		00	02	23
	877		00	01	18
	878		00	06	13
	884		00	03	38
	881		00	07	73
	882		00	09	42
	880		00	01	47
	636		00	02	02
	637		00	02	45
	638		00	02	78
	639		00	00	20
	640		00	09	73
Rambad	1422		00	02	12
Thana no.-7/110					

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

नई दिल्ली, 8 जून, 2018

का.आ. 945.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2633 तारीख 13 नवम्बर 2017, जो भारत के राजपत्र तारीख 18 नवम्बर 2017, में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में बिहार राज्य में ''पटना – मोतिहारी – बैतालपुर शाखा पाइपलाइन'' के अन्तर्गत जिला सिवान में पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाईन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 11 मार्च 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाईपलाईन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाईपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम ओर खनिज पाईपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाईपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

जिला : सिवान			राज्य : बिहार		
मौजा /ग्राम	सर्वे / ब्लाक / सं. (प्लोट सं.)	सब-डिवि.-सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
1	2	3	4	5	6
मदारीचक	919		00	02	80
थाना नंबर–235	920		00	00	20
	918		00	05	09
	906		00	00	88
	748		00	00	20
	808		00	00	20
	795		00	01	09
	796		00	01	04
	794		00	00	20
बगौरा	643		00	04	54
थाना नंबर–234	105		00	00	78
	104		00	09	02
	103		00	12	58
	113		00	07	14
	145		00	00	69
	143		00	09	77
दहकाई	267		00	02	85
थाना नंबर–231	241		00	00	64
दौन छापरा	196		00	01	46
थाना नंबर–230	193		00	17	63
मंछा	855		00	01	21
थाना नंबर–225					
भदेआ	86		00	00	20
थाना नंबर–226	115		00	01	24
उस्ती	191		00	00	29
थाना नंबर–224	80		00	11	54
मीराचक	359		00	01	31
थाना नंबर–199	358		00	00	71

	348		00	10	16
	209		00	00	54
	207		00	01	20
	219		00	07	77
बालडीह थाना नंबर–183	90		00	09	66
रुकुन्दीपूर थाना नंबर–168	1201		00	00	65
जगदीशपुर थाना नंबर–160	656		00	00	20
बांगरा	2154		00	09	64
थाना नंबर–156	3040		00	02	80
भीखा बन थाना नंबर–153	28		00	16	74
देउरीया	367		00	07	41
थाना नंबर–153	18		00	00	32
	1281		00	01	96
	1329		00	00	34
बिसुनपुरा महौरी	2820		00	00	20
थाना नंबर–154	2896		00	07	48
	2889		00	03	87
	2883		00	03	76
	2881		00	05	54
	2879		00	04	30
	1951		00	00	84
	1956		00	00	32
	1949		00	03	00
	1751		00	00	85
	1752		00	00	20
	1750		00	01	83
	1749		00	09	85
सुरबीर	213		00	18	25
थाना नंबर–152	214		00	04	82
	855		00	00	20
	856		00	28	94
	858		00	00	25
	857		00	00	73
	970		00	00	45

	996		00	00	20
	998		00	00	91
	1158		00	04	79
	1328		00	01	22
	1332		00	03	89
	1348		00	03	11
	1524		00	00	20
	1366		00	00	61
	1414		00	00	20
	1408		00	02	45
	1400		00	01	66
	1397		00	01	32
	1428		00	05	04
ईटहरी	772		00	14	69
थाना नंबर—145	651		00	01	94
	647		00	02	17
	634		00	00	20
	620		00	01	16
	616		00	08	05
	614		00	01	82
	395		00	00	94
	396		00	04	32
	397		00	02	65
	398		00	01	62
	399		00	04	40
	400		00	04	28
	511		00	03	77
	511 / 877		00	01	40
	510		00	00	50
	408		00	04	80
	407		00	04	19
	410		00	03	07
	366		00	00	20
	341		00	01	99
हहवा	1143		00	06	76
थाना नंबर—130	1136		00	04	84
	1134 / 1483		00	00	20
जगदीशपुर	288		00	02	36
थाना नंबर—129	509		00	02	72

	555		00	00	24
	556		00	04	22
	559		00	03	77
	857		00	02	33
अगेयान	4543		00	03	91
थाना नंबर–113	4542		00	00	20
	4540		00	00	20
	4598		00	00	20
	4602		00	04	93
	3665		00	04	72
	3703		00	00	61
	3495		00	03	20
	3454		00	09	43
	3439		00	00	20
	3440		00	02	97
	2587		00	05	06
	2533		00	01	56
	1743		00	00	41
	1771 / 5002		00	00	75
	1773		00	00	56
	1758		00	00	56
	1757		00	00	34
	1812		00	04	02
	1645		00	00	93
	1644		00	00	20
	1656		00	08	33
	1473		00	02	74
	1474		00	02	20
	1358		00	00	35
सथवार	1387		00	17	66
थाना नंबर–89	1431		00	01	36
	1190		00	00	34
	1194		00	04	60
	1216		00	00	93
खवासपुर	399		00	04	62
थाना नंबर–74	100		00	00	38
सीकतीया	2025		00	07	11
थाना नंबर–63	2024		00	00	32
जलालपुर	185		00	02	06

थाना नंबर–62	85		00	00	20
	95		00	00	20
	36		00	08	62
डुमरा	2884		00	00	20
थाना नंबर–58	2892		00	00	66
	2893		00	03	10
	2968		00	00	31
	2977		00	01	75
	3001		00	00	38
	2991		00	00	20
	2995		00	00	61
	2998		00	00	32
	3082		00	01	23
	3086		00	00	20
	4594		00	01	58
	3322		00	02	36
	3321		00	16	44
	3325		00	01	15
	3326		00	03	34
	3318		00	04	35
	3518		00	03	87
	3526		00	00	42
	3529		00	02	72
	3602		00	06	66
	5392		00	06	16
	5481		00	07	56
मंदरा पाली	1157 / 1897		00	01	09
थाना नंबर–394	1036		00	02	20
	1045		00	08	50
	357		00	00	20
	355		00	11	94
मन्दरौली	1922		00	00	35
थाना नंबर–393	1883		00	00	85
	1933		00	01	91
लहेजी	2568		00	05	92
थाना नंबर–392	2567		00	04	90
	2541		00	02	04
	2531		00	07	22
	2529		00	11	48

	2448		00	05	32
	2447		00	01	49
फाजीलपुर	1509		00	14	19
थाना नंबर–364					
मचकना	2144		00	04	80
थाना नंबर–214	2128		00	17	35
	1142		00	00	30
भैसाखल	1046		00	02	60
थाना नंबर– 154	739		00	23	61
मुइन	2863		00	00	20
थाना नंबर– 137	1509		00	05	82
	2011		00	08	67
	1762		00	00	20
	1758		00	06	80
	1770		00	09	72
	22		00	00	42
	18		00	00	33
	1772		00	09	72
	19		00	00	20
	17		00	06	95
	1773		00	02	89
	10		00	12	83
पोखरेरा	1029		00	13	56
थाना नंबर–76	1024		00	00	24
	1022		00	10	46
कुलदीपा	411		00	00	78
थाना नंबर–77					
सेवतापूर	2088		00	09	14
थाना नंबर–76	539		00	03	75
	537		00	00	81
	547		00	06	31
	548		00	02	05
	549		00	05	22
	580		00	03	73
	578		00	00	79

[फा. सं. आर-11025(11)/196/2017-ओआर-I/ई-9925]

पवन कुमार, अवर सचिव

New Delhi, the 8th June, 2018

S.O. 945.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 2633 dated the 13th November, 2017, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (here in after referred to as the said Act), published in the Gazette of India dated the 18th November, 2017, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying "Patna - Motihari - Baitalpur Branch Pipeline" for the transportation of Petroleum Products in Siwan District the state of Bihar by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 12th March, 2018;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

District : Siwan				State : Bihar	
Mouja / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
Madarichak	919		00	02	80
Thana No.-235	920		00	00	20
	918		00	05	09
	906		00	00	88
	748		00	00	20
	808		00	00	20
	795		00	01	09
	796		00	01	04
	794		00	00	20
Bagaura	643		00	04	54
Thana No.-234	105		00	00	78
	104		00	09	02
	103		00	12	58
	113		00	07	14
	145		00	00	69
	143		00	09	77
Dahkai	267		00	02	85
Thana No.-231	241		00	00	64

Dawn Chapra	196		00	01	46
Thana No.-230	193		00	17	63
Mancha	855		00	01	21
Thana No.-225					
Bhadea	86		00	00	20
Thana No.-226	115		00	01	24
Usti	191		00	00	29
Thana No.-224	80		00	11	54
Mirachak	359		00	01	31
Thana No.-199	358		00	00	71
	348		00	10	16
	209		00	00	54
	207		00	01	20
	219		00	07	77
Baldih	90		00	09	66
Thana No.-183					
Rukundipur	1201		00	00	65
Thana No.-168					
Jagdishpur	656		00	00	20
Thana No.-160					
Bangra	2154		00	09	64
Thana No.-156	3040		00	02	80
Bhikhaban	28		00	16	74
Thana No.-153					
Devaria	367		00	07	41
Thana No.-153	18		00	00	32
	1281		00	01	96
	1329		00	00	34
Bishunpur Mahuari	2820		00	00	20
Thana No.-154	2896		00	07	48
	2889		00	03	87
	2883		00	03	76
	2881		00	05	54
	2879		00	04	30
	1951		00	00	84
	1956		00	00	32
	1949		00	03	00
	1751		00	00	85
	1752		00	00	20
	1750		00	01	83
	1749		00	09	85

Surbir	213		00	18	25
Thana No.-152	214		00	04	82
	855		00	00	20
	856		00	28	94
	858		00	00	25
	857		00	00	73
	970		00	00	45
	996		00	00	20
	998		00	00	91
	1158		00	04	79
	1328		00	01	22
	1332		00	03	89
	1348		00	03	11
	1524		00	00	20
	1366		00	00	61
	1414		00	00	20
	1408		00	02	45
	1400		00	01	66
	1397		00	01	32
	1428		00	05	04
Ithari	772		00	14	69
Thana No.-145	651		00	01	94
	647		00	02	17
	634		00	00	20
	620		00	01	16
	616		00	08	05
	614		00	01	82
	395		00	00	94
	396		00	04	32
	397		00	02	65
	398		00	01	62
	399		00	04	40
	400		00	04	28
	511		00	03	77
	511/877		00	01	40
	510		00	00	50
	408		00	04	80
	407		00	04	19
	410		00	03	07
	366		00	00	20
	341		00	01	99

Hahwa	1143		00	06	76
Thana No.-130	1136		00	04	84
	1134/1483		00	00	20
Jagdishpur	288		00	02	36
Thana No.-129	509		00	02	72
	555		00	00	24
	556		00	04	22
	559		00	03	77
	857		00	02	33
Ageyan	4543		00	03	91
Thana No.-113	4542		00	00	20
	4540		00	00	20
	4598		00	00	20
	4602		00	04	93
	3665		00	04	72
	3703		00	00	61
	3495		00	03	20
	3454		00	09	43
	3439		00	00	20
	3440		00	02	97
	2587		00	05	06
	2533		00	01	56
	1743		00	00	41
	1771/5002		00	00	75
	1773		00	00	56
	1758		00	00	56
	1757		00	00	34
	1812		00	04	02
	1645		00	00	93
	1644		00	00	20
	1656		00	08	33
	1473		00	02	74
	1474		00	02	20
	1358		00	00	35
Sathwar	1387		00	17	66
Thana No.-89	1431		00	01	36
	1190		00	00	34
	1194		00	04	60
	1216		00	00	93
Khawaspur	399		00	04	62
Thana No.-74	100		00	00	38

Sikatiya	2025		00	07	11
Thana No.-63	2024		00	00	32
Jalalpur	185		00	02	06
Thana No.-62	85		00	00	20
	95		00	00	20
	36		00	08	62
Dumra	2884		00	00	20
Thana No.-58	2892		00	00	66
	2893		00	03	10
	2968		00	00	31
	2977		00	01	75
	3001		00	00	38
	2991		00	00	20
	2995		00	00	61
	2998		00	00	32
	3082		00	01	23
	3086		00	00	20
	4594		00	01	58
	3322		00	02	36
	3321		00	16	44
	3325		00	01	15
	3326		00	03	34
	3318		00	04	35
	3518		00	03	87
	3526		00	00	42
	3529		00	02	72
	3602		00	06	66
	5392		00	06	16
	5481		00	07	56
Mandrapali	1157/1897		00	01	09
Thana No.-394	1036		00	02	20
	1045		00	08	50
	357		00	00	20
	355		00	11	94
Mandrauli	1922		00	00	35
Thana No.-393	1883		00	00	85
	1933		00	01	91
Laheji	2568		00	05	92
Thana No.-392	2567		00	04	90
	2541		00	02	04
	2531		00	07	22

	2529		00	11	48
	2448		00	05	32
	2447		00	01	49
Fazilpur	1509		00	14	19
Thana No.-364					
Machkana	2144		00	04	80
Thana No.-214	2128		00	17	35
	1142		00	00	30
Bhaishakhal	1046		00	02	60
Thana No.-154	739		00	23	61
Muin	2863		00	00	20
Thana No.-137	1509		00	05	82
	2011		00	08	67
	1762		00	00	20
	1758		00	06	80
	1770		00	09	72
	22		00	00	42
	18		00	00	33
	1772		00	09	72
	19		00	00	20
	17		00	06	95
	1773		00	02	89
	10		00	12	83
Pokhrera	1029		00	13	56
Thana No.-76	1024		00	00	24
	1022		00	10	46
Kuldipa	411		00	00	78
Thana No.-77					
Sewtapur	2088		00	09	14
Thana No.-76	539		00	03	75
	537		00	00	81
	547		00	06	31
	548		00	02	05
	549		00	05	22
	580		00	03	73
	578		00	00	79

[F. No. R-11025(11)/196/2017-OR-I/E-9925]

PAWAN KUMAR, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 24 मई, 2018

का.आ. 946.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 75/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.05.2018 को प्राप्त हुआ था।

[सं. एल-12011/45/2015-आईआर (बी-I)]

रवि कुमार, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 24th May, 2018

S.O. 946.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 75/2015) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 24.05.2018.

[No. L-12011/45/2015-IR (B-I)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 23rd April, 2018

Reference: (CGITA) No. 75/2015

1. The General Manager,
   State Bank of India,
   Local Head Office, Lal Darwaja,
   Ahmedabad (Gujarat)

2. The Branch Manager,
   State Bank of India,
   Radhanpur Branch, Dhiraj Chamber,
   Lal Baug, Radhanpur, Pathan,
   Ahmedabad …First Party

V/s

The President,
Akhil Bhartiya Karmachari Mahasangh,
28-B, Narayan Park,
Behind Chandkheda Railway Station, Sabarmati,
Ahmedabad (Gujarat) …Second Party

For the First Party No : Shri D.C. Gandhi Associates

For the Second Party : Shri R.S. Sisodiya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/45/2015–IR(B-I) dated 04.09.2015 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the action of the management of State Bank of India, Radhanpur Branch, District Pathan, North Gujarat in terminating the services of Shri I.M. Pathan, Armed Guard w.e.f. 15.02.2010 without issuing notice to him is legal, just and proper? If not, to what relief the concerned workman, Shri I.M. Pathan, Armed Guard is entitled to and what other directions are necessary in the matter?"

1. The reference dates back to 04.09.2015. The second party union The President, Akhil Bhartiya Karmachari Mahasangh, 28-B, Narayan Park, Behind Chandkheda Railway Station, Sabarmati, Ahmedabad submitted the statement of claim Ex. 3 on 10.02.2016 alleging that the workman I.M. Pathan, a retired Armed Guard from security forces was engaged and appointed on 01.09.1993 in the State Bank of India, Radhanpur Branch, District Pathan where he worked continuously till the year 2010. He was discharged from security forces on fictitious complaint which is pending adjudication in the Hon'ble High Court. He was an honest person and was also removed from service from State Bank of India on 15.02.2010 without serving any notice which was against the due procedure of law. The dispute was raised by the second party union before the management of State Bank of India but to no result. Therefore, also the management did not concede to demand of the second party union, the Reconciliation Officer referred the dispute to the Government of India for adjudication. Thus the second party union has challenged the action of the removal from service of the second party workman on the ground that his removal was against the procedure of law; therefore, he is entitled for reinstatement.

2. The first party The General Manager, State Bank of India, Local Head Office, Lal Darwaja, Ahmedabad (Gujarat) and The Branch Manager, State Bank of India, Radhanpur Branch, Dhiraj Chamber, Lal Baug, Radhanpur, Pathan, Ahmedabad, submitted a joined written statement Ex. 7 on 16.01.2017 partly admitting the averments made in the statement of claim regarding his engagement as Armed Guard at Vasta Devdi Branch, Surat for 6 months from 01.09.1993. His services were confirmed from 01.03.1994 vide order dated 04.04.1994. It is further submitted that a citizen named P.R. Mehta of Radhanpur lodged an FIR against the workman I.M. Pathan on 12.12.1998 alleging that the workman persuaded the aforesaid complainant P.R. Mehta offering him cooked chicken and took him to his house where the workman physically abused to him and has also threatened him to death. The Police into the said FIR arrested the workman wherein the Police submitted the charge-sheet against him in the court. He was also put in the judicial remand; therefore, the first party served him with the suspension order. It is further submitted that under Paragraph 521 (2)(b) of the Sastri Award read with Paragraph 3 (b) and Clause 6 (2) of the aforesaid award, if the workman is found guilty of gross misconduct under the aforesaid provisions, can be removed from service. Paragraph 521 (2)(b) of Sastri Award, read with Paragraph 3 (b) and Clause 6 (2) are as under: "By the expression, "offence" shall be meant any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provisions of law."

While, Provisions of Clause 3 (b) are as under:

"If, he be convicted, he may be dismissed with the effect from the date of his conviction or be given any lesser forum of punishment as mentioned in Clause as below:

Clause 6:— "An employee found guilty of gross misconduct may

(a) Be dismissed without notice."

Thus under the aforesaid provisions, the services of the workman were terminated as he was convicted under Section 377 read with 506 (2) of the IPC for a period of 3 years rigorous imprisonment with Rs. 20000/- (Rupees Twenty Thousand) as fine."

3. On the basis of the pleadings, the following issues arise:

I. Whether the action of the management of State Bank of India, Radhanpur Branch, District Pathan, North Gujarat in terminating the services of I.M. Pathan, Armed Guard w.e.f. 15.02.2010 without issuing notice to him is legal, just and proper?

II. To what relief, if any, the concerned workman, I.M. Pathan, Armed Guard is entitled to and what other directions are necessary in the matter?

4. Both these issues are interrelated, therefore, are decided together.

5. **Issue No. I& II:** The burden of proof of these issues was lying on the second party union who submitted the affidavit Ex. 8 of the workman reiterating the averments made in the statement of claim but in his cross-examination, the workman has admitted that his date of birth is 20.12.1954. His education qualification is 10th standard. He also admitted that a person resident of Radhanpur lodged an FIR against him under Section 377 read with 506 (2) of the IPC wherein he was sentenced for a period of 3 years rigorous imprisonment with Rs. 20000/- (Rupees Twenty Thousand)

as fine in Criminal Case No. 149/2009. He has also admitted that his reinstatement was denied due to the aforesaid sentence.

6. The first party did not submit any oral evidence but submitted the photocopy of the memorandum of settlement on disciplinary action procedure for workman Ex. 29. The said document has been admitted by the second party workman. The settlement provide as under:

"By the expression "offence" shall be meant any offence involving moral turpitude for which an employee is liable to conviction and sentence under any provisions of law.

(a) When in the opinion of the management an employee has committed an offence, unless he may be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended.

(b) If he be convicted, he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment as mentioned in Clause 6 below.

(c) If he be acquitted, it shall be open to the management to proceed against him under the provisions set out below in Clauses 11 and 12 infra relating to discharge. However, in the event of the management deciding after enquiry not to continue him in service, he shall be liable only for termination of service with three months' pay and allowances in lieu of notice. And he shall be deemed to have been on duty during the period of suspension, if any, and shall be entitled to the full pay and allowances minus such subsistence allowance as he has drawn and to all other privileges for the period of suspension provided that if he be acquitted by being given the benefit of doubt he may be paid such portion of such pay and allowances as the management may deem proper and the period of his absence shall not be treated as a period spent on duty unless the management so directs.

(d) If he prefers an appeal or revision application against his conviction and is acquitted, in case he had already been dealt with as above and he applies to the management for reconsideration of his case, the management shall review his case and may either reinstate him or proceed against him under the provisions set out below in Clause 11 and 12 infra relating to discharge and the provisions set out above as to pay allowances and the period of suspension will apply the period up to date for which full pay and allowances have not been drawn being treated as one of suspension. In the event of the management deciding, after enquiry not to continue him in service, the employee shall be liable only for termination with three months' pay and allowance in lieu of notice, as directed above."

"6. An employee found guilty of gross misconduct may:

(a) Be dismissed without notice; or

(b) Be removed from service with superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment; or

(c) Be compulsorily retired superannuation benefits i.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment; or

(d) Be discharged from service with superannuation benefitsi.e. Pension and/or Provident Fund and Gratuity as would be due otherwise under the rules or regulations prevailing at the relevant time and without disqualification from future employment; or

(e) Be brought down to lower stage in the scale of pay up to a maximum of two stages; or

(f) Have his increment's stopped with or without cumulative effect; or

(g) Have his special pay withdrawn; or

(h) Be warned or censured, or have an adverse remark entered against him; or

(i) Be final. "

7. I heard the arguments of the learned counsel of the parties and also considered their evidences besides the settlement, Paragraph 521 (2)(b) of the Sastri Award read with Paragraph 3 (b) and Clause 6 (2) of the aforesaid award as well as the memorandum of settlement on disciplinary action procedure of workman Ex. 29 dated 18.12.2002. It is admitted by the workman that he was put in suspension and was also terminated from service on the ground that he was sentenced for a period of 3 years rigorous imprisonment with a fine of Rs. 20000/-(Rupees Twenty Thousand). Such punishment deserves dismissal or termination of service under Paragraph 521 (2)(b) of the Sastri Award read with

Paragraph 3 (b) and Clause 6 (2) of the aforesaid award as well as the memorandum of settlement on disciplinary action procedure of workman Ex. 29 dated 18.12.2002. Thus the action taken by the bank does not deserve any interference by the tribunal. Thus the issue no. I is decided in affirmative and against the second party workman. Therefore, the workman deserves no relief. Thus the issues no. I & II are decided accordingly.

8. The award is passed in terms of the observation made in Para 7 of the award.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 24 मई, 2018

का.आ. 947.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय पश्चिमी रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 683/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.05.2018 को प्राप्त हुआ था।

[सं. एल-41011/11/99-आईआर (बी-I)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 24th May, 2018

S.O. 947.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 683/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 24.05.2018.

[No. L-41011/11/99-IR (B-I)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 27th April, 2018

Reference: (CGITA) No. 683/2004

1. The Principal,
Railway Staff College, Lalbaug,
Baroda (Gujarat) – 390004

2. The Chairman,
Railway Staff College Officer's Mess Management Committee,
Lal Baug, Baroda (Gujarat) – 394220 …First Party

V/s

The General Secretary,
Western Railway Contractors Employees Union,
Faramji Road, Nr. Guard Running Room, Alkapuri,
Baroda (Gujarat) – 394220 …Second Party

For the First Party No : Shri K.V. Gadhia

For the Second Party : Shri M.V. Jadhav

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/11/99–IR(B-I) dated 26.10.1999 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

"Whether the charter of demands raised by the General Secretary, Western Railway Contractors Employees Union Vadodara vide its representation dated 05.08.1998 against the management of the Principal, Railway Staff College, Vadodara and the Chairman, Railway Staff College Mess Management Committee, Vadodara is proper and justified? If so, to what relief the concerned workmen are entitled to?"

1. The reference dates back to 26.10.1999. The second party union submitted the statement of claim Ex. 3 alleging that the second party union is a registered union and its registration number is 5058. The concerned workmen working in this railway staff college Mess and getting monthly salary of Rs. 1125 to 1822/-. The railway authority has not given permanent status not paid the salary to those workmen detailed in the reference and they were paid less than the minimum wage. At present, 33 workmen are there. The first party college give the education to the selected officers and for providing the food facility to the officers. The college has started the mess from the day 1 of the establishment of the college. The second party workmen are the workmen and the first party is an industry. The second party workmen were working with the first party since last 20 to 25 years and they were paid less than the minimum wages. Inspite of numerous complaints they were not paid even minimum wages. They were working under direct control of Railway Administration. The first party deduct the provident fund and the second party workmen are working as clerk, waiter, head cook and sweeper. The union has raised the demand vide letter dated 05.08.1998 and demand in increase in wages, HRA, children education allowance, dues and other benefits since the first party has not response to the same, the union has raised this dispute. The second party workmen have filed the case before the CAT in OA No. 180/1996 for permanency. The second party has stated that at present the minimum wage is Rs. 1950/- whereas the lowest category permanent category grade is Rs. 4500/- per month. Therefore, they are entitled for the salary at par with permanent employee. The second demand of the union is different in allowance likewise HRA, convence allowance, attendance allowance etc. The union further stated that the allowances at present paid to the concerned workmen in compare to the permanent employee are less hence they are entitled to get the aforesaid allowances as par with permanent employees. The third demand of the union is regarding various leaves. The leaves are granted to the concerned workmen are very less in compare to the government employees. They are not getting the benefit of ESI, therefore, the demand is just, legal and proper and is to be granted with arrears. Regarding demand numbers 4, 5 and 6, same are as per the provisions of the act. At present the concerned workmen are getting less than the minimum wages. As per the act the first party is bound to pay minimum wages. The permanent employees of the railway paid the double overtime whereas these workmen were not paid overtime and takes work from them for more than 8 years. Therefore, the demand is justified and prayed for grant of demand with arrears. The second party union is the only union working in the first party therefore the said union is considered as representative union and the benefits to the union representative is to be given like to attend the union training course, the workmen education central course etc. and prayed for granting the said benefits with cumulative effect. The union has demanded and prayed the aforesaid benefits w.e.f. 01.01.1998 and prayed for cost of Rs. 5000 for litigation.

2. The first party submitted the written statement Ex. 9 denying the averments made in the statement of claim submitted that the second party union approach the Central Administrative Tribunal vide OA No. 180/1996 wherein the tribunal ordered for regularisation of all the workman detailed in the reference w.e.f. 22.02.1996. Thus the dispute raised in the reference and prayers sought in the statement of claim are not tenable in the eye of law.

3. On the basis of the pleadings, the following issues arise:

I. Whether the charter of demands raised by the General Secretary, Western Railway Contractors Employees Union Vadodara vide its representation dated 05.08.1998 against the management of the Principal, Railway Staff College, Vadodara and the Chairman, Railway Staff College Mess Management Committee, Vadodara is proper and justified?

II. To what relief, if any, the concerned workmen are entitled?

4. Both the issues are interrelated, therefore, are decided together.

5. **Issue No. I & II:** The burden of proof of these issues was lying on the second party workman who was examined vide document Ex. 20 wherein he has reiterated the averments made in the statement of claim and has not said anything contrary in his cross-examination.

6. The first party has not examined any of his witness in support of the written statement.

7. Since long, neither of the parties and their advocates are appearing and the reference is pending for argument, therefore, I considered the whole oral and documentary evidences on the record.

8. It is noteworthy that the second party union approached the Central Administrative Tribunal vide OA No. 180/1996 wherein the tribunal ordered for regularisation of all the workman detailed in the reference w.e.f. 22.02.1996. The Central Administrative Tribunal in its order has granted regularisation as well as all the benefits of service w.e.f.

22.02.1996 while the second party has sought the relief w.e.f. 01.01.1998. As the Central Administrative Tribunal has already granted the relief as sought by the second party union from the aforesaid earlier date. Therefore, no further relief can be granted being barred by the principle of res-judicata.

9. Thus the reference is finally disposed of as not maintainable.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 5 जून, 2018

का.आ. 948.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब ने ानल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिश्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 59/2015) प्रकाि ात करती है जो केन्द्रीय सरकार को 05.06.2018 को प्राप्त हुआ था।

[सं0 एल-12011/45/2015-आई आर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 5th June, 2018

S.O. 948.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, KANPUR(U.P.) as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank, and their workmen, received by the Central Government on 05/06/2018.

[No. L-12011/45/2015 - IR(B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE SHRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR

ID No. 59/2015

Between :

The Member,
State Working Committee of UP Bank workers Org. ,
3/13 Mathura Nagar,
ALIGARH(U.P)-202001

AND

The General Manager,
Punjab National Bank,
7, Bhikaji Cama Place,
New Delhi.

AWARD

1. Central Government, MOL, New Delhi, vide notification no. L-12011/45/2015-IR(B-II) dated 03/08/2015 has referred this Industrial dispute to this Tribunal for adjudication.

2. 'Whether the action of the management of Punjab National Bank, New Delhi deciding payment of ex-gratia in lieu of employment of compassionate ground to Smt. Sudha Rani W/o late Tara Chand conveyed vide letter dated 8th December, 2006 is legal & just and if not, what relief the concerned applicant is entitled to ?"

3. Union raising the dispute on behalf of worker Smt. Sudha Rani widow of Late Tara Chand has filed claim petition alleging that Shri Tara Chand was appointed at the post of clerk on 15.10.1976 in the bank who was subsequently promoted as officer. Unfortunately said Tara Chand expired on 12.04.2006 due to heart failure leaving behind him 3 unemployed sons and one unemployed daughter. Smt. Sudha Rani widow of deceased employee has applied for payment of ex-gratia amount within prescribed period on 29.04.2006 but the management vide their letter dated 8.12.2006 rejected the request of Smt. Sudha Rani and their after she again made a request before the Chairman

of the Bank but her request was again rejected by the Bank vide letter dated 18.05.2012. It is also alleged that bank has also not provided any appointment on compassionate ground nor In lieu of it had made payment of any amount by way of lump sum ex-gratia for which widow of Shri Tara Chand is entitled for the same.

4. Therefore on these grounds it has been prayed by the widow of Late Shri Tara Chand that the Bank be directed to make payment of ex-gratia in view of employment on compassionate ground.

5. Management has filed objection against the claim petition admitting the fact that Shri Tara Chand was in the employment of the Bank and was performing his duties in managerial/administrative capacity and was having power of assigning duties and distribution of work as such his service condition were governed by officer employees regulation therefore Late Tara Chand cannot be treated as workmen. It is also denied that any valid Industrial dispute exist between the bank and the Union over the issue and thus the answering Bank raises an objection over the maintainability of this issue/reference. It is further submitted by the Bank that the Bank had submitted the scheme for payment of ex-gratia (lump sum amount) in lieu of appointment on compassionate grounds vide circular no. 235 dated 07.01.2005 and this scheme is a welfare measure to provide relief to the family of employee dying in harness or taking premature retirement owing to incapacitation on medical grounds before attaining the age of 55 years to tide over the sudden crisis brought out by such premature death/ incapacitation of the earning family member and to offer immediate financial assistance and succor to the distrust family to recover from the unexpected deprivation of the income of the bread winner. It is also stated that ex-gratia cannot be claimed as matter of right and same cannot be granted beyond the preview of the guidelines of the Bank of which Para 9.2 provides that while dealing with the proposal for grant of ex-gratia, in cases where discipline action was taken/pending against the employee dying in harness or where the deceased employee was involved in financial irregularities, embezzlement of funds committing of frauds etc. Bank will continue to avoid by the guidelines issued by the government of India requiring consideration and decision in each case by the Board of the Bank. Similarly Para 19.4 provides that the ex-gratia relief under the above scheme is not entitlement but may be granted at the soul discretion of the Bank looking into the financial condition of the family and in deserving and eligible cases only.

6. It is further pleaded that the deceased husband of Smt. Sudha Rani was involved in financial irregularities and 3 penalties have been imposed on him for various lapses/ irregularities. The proposal of the claimant was placed before the Board for consideration and the Board decline the request of the dependence of the deceased employee for payment of ex-gratia (lump sum amount) in view of his involvement in financial irregularities.

7. It is further pleaded by the Bank that other dues like PF, Gratuity, Financial Aid and Contributory Benefit Fund Scheme were timely paid to the legal heirs of Late Tara Chand. Lastly it is prayed that the claim of the Smt. Sudha Rani is neither legal nor valid according to rules of the Bank therefore her claim is liable to be rejected.

8. Rejoinder statement has been filed by the union wherein it is pleaded that any family member of deceased employee can raise claim for payment of ex-gratia amount for which it is not necessary that the deceased employee should be a workman under the act.

9. It is pertinent to point out that when case was taken up for hearing on 13.04.18 none appeared on the behalf of the parties, no documents have been filed therefore opportunity to lead evidence and to file documents is closed by fixing 25.04.18 in the case. Again on 25.04.18 none appeared in the case and the case was reserved for award.

10. It is settled legal position that it is claimant who has prove his case by his evidence oral and documentary and where neither any oral evidence nor documentary evidence has been adduced, the claimant is liable to face the music of law in as much as in the absence of evidence his claim cannot be accepted by court of law and on same analogy as the union / claimant Smt. Sudha Rani has not been able to prove their case by adducing admissible evidence therefore her claim is liable to be rejected and is accordingly rejected.

11. Reference is therefore answered against the union/claimant Smt. Sudha Rani.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 5 जून, 2018

का.आ. 949.—औघोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पारादीप पोर्ट ट्रस्ट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिश्ट औघोगिक विवाद में केन्द्रीय सरकार औघोगिक अधिकरण/श्रम न्यायालय, भुवने वर के पंचाट (संदर्भ सं. 36/2011) को प्रकाि ात करती है जो केन्द्रीय सरकार को 05.06.2018 को प्राप्त हुआ था।

[सं0 एल-38011/01/2011-आई आर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 5th June, 2018

S.O. 949.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Bhubaneswar* as shown in the Annexure, in the industrial dispute between the management of *Paradip Port Trust,* and their workmen, received by the Central Government on *05/06/2018.*

[No. L-38011/01/2011 - IR(B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 36/2011

No. L-38011/01/2011-IR(B-II), dated 18.07.2011

Date of Passing Award –13th April, 2018

Between:

1. The Chairman,
Management Committee, Paradip Port,
Paradip, Dist. Jagatsinghpur, Orissa.

2. The President,
Paradip Port Stevedores' Association,
Trade Centre (Ground Floor), Paradip Port,
Dist. Jagatsinghpur, Orissa – 754 142 …1st Party-Managements

(And)

The General Secretary,
Utkal Port & Dock Workers' Union,
Brundaban Colony, Housing Complex,
Paradip Port, Dt. Jagatsinghpur, Paradip,
Orissa – 754 142. …2nd Party-Union

Appearances:

None … For the 1st Party-Managements

None … For the 2nd Party-Union

AWARD

None of the parties are found present on repeated calls. It is seen from the record that after filing of Statement of claim the 2nd party-Union failed to attend the proceeding despite repeated notice. The 1st Party-Management has already submitted its written statement. The reference is lingering only due to non-attendance of the 2nd party-Union. As the Union failed to attend the proceeding as well as to adduce any evidence in addition to its claim there is no alternative than to return the reference without giving any findings on the merit of the pleadings advanced by the parties.

2. The reference is disposed of in the above terms.

Dictated and Corrected by me.

B.C. RATH, Presiding Officer

नई दिल्ली, 5 जून, 2018

का.आ. 950.—औधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक आफ बड़ौदा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारो के बीच अनुबंध में निर्दिश्ट औधोगिक विवाद में श्रम न्यायालय, औरंगाबाद के पंचाट (संदर्भ सं. 06/2016) को प्रकाि ात करती है जो केन्द्रीय सरकार को 05.06.2018 को प्राप्त हुआ था।

[सं. एल-39025/01/2017-आई आर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 5th June, 2018

S.O. 950.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2016) of the *Labour Court, Aurangabad* as shown in the Annexure, in the industrial dispute between the management of *Bank of Baroda,* and their workmen, received by the Central Government on *05/06/2018.*

[No. L-39025/01/2017 - IR(B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

IN THE LABOUR COURT-I AT AURANGABAD
(Presided over by D.V.Joshi)

Ex. No. O-3

REFERENCE (IDA) NO. 06 of 2016
(CNR. No. MHLC-20-000234-2016)

Between :

The Dy. General Manager,
Bank of Baroda,
Main Branch, Talik Road,
P.B.No.40, Aurangabad - 431 001 …First Party

And

Shri Nandu Banshi Tupare,
Kranti Chowk, Ajab Nagar,
Opp. Telephone Bhavan, (Milind Nagar),
AURANGABAD - 431 001 …Second Party

Advocates: Mr. S.S. Vidwauns for the second Party.
Mr. M.S.Mahajan for the First party.

AWARD

(Dtd. 17.04.2018)

1. This Reference is referred by the Central Government u/s clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 for adjudication in respect of termination of second party.

2 After registration of said Reference notice was issued against both the parties. Second party appeared and filed his statement of claim at Ex.U-2. Notice against the first party was duly served. Inspite of service of notice first party has not filed written statement. Therefore, matter proceeded ex parte against the first party as per the order below Ex.U-2.

3 The contention of the second party that he is a workman as per Section 2(s) of the Industrial Disputes Act, 1947 and the first party is an industry. Second party was appointed as a Peon in the main Branch at Tilak Road, Aurangabad on 17.06.2011 on daily wages. His service was continued by the first party till 25.07.2011. First party used to pay wages on weekly basis by way of vouchers in the custody of the first party. Attendance register in the possession of first party. Second party applied for the post of Peon in the recruitment procedure of 2013, but the second party was not called for interview. Later on he got information that one Dinesh Chavan and Arjun Gaikwad were selected in the said process and the said persons were junior daily wagers to the second party. Therefore, the act of the first party is against the law and procedure. In the recruitment of 2014 considering the application of second party he was called for

interview, but again he was not selected. Second party was even thereafter continued in the same Branch as a Peon. He has completed more 240 days service without any break. First party has not followed the procedure as per Section 25F & 25G of the Industrial Disputes Act, 1947. Said termination order is illegal and liable to be set aside. Second party is not gainfully employed. Therefore, he is entitled for reinstatement in service along with back wages.

4 Notice against the first party was duly served. Inspite of service of notice first party has not filed written statement. Therefore, matter proceeded ex parte against the first party.

5 Following points arise for my determination. They are as under along with my findings thereon for the reasons given below:

Sr. No.	Issues	Findings
1.	Whether the second party proves that he has completed more than 240 days in each year ?	In the affirmative.
2.	Whether the second party proves that his oral termination order is illegal and liable to be set aside ?	In the affirmative.
3.	Whether the second party proves that he is entitled for reinstatement in service with continuity along with back wages ?	Partly in affirmative.
4.	What Award ?	As per final Award.

REASONS

6 In order to prove his case, second party examined himself at Ex.U-4. He filed documents below Ex.U-6, U-11 and closed his evidence by filing pursis Ex.U-13.

7 **As to Point Nos. 1 & 2**:— Learned Advocate of the second party submits that second party workman has completed 240 days continuous service with the first party without any break. He was orally terminated by the second party without following procedure laid down under Section 25F & 25G of the Industrial Disputes Act, 1947. Therefore, termination order is illegal and liable to be set aside. Second party workman is entitled for reinstatement in service with continuity along with back wages.

8. Second party workman at Ex.U-4 deposes that, he was working as a Peon with the first party bank and its branch at Tilak Road, Aurangabad on daily wages from 17.06.2011 to 25.07.2015 without any break. He also deposes that for the said period first party has paid bonus to him and he filed said slip of bonus below Ex.U-6/3 and below Ex.U-11. First party has not produced any contrary evidence against the evidence of the second party. On perusal of evidence and documents produced by the second party it shows that he was in continuous service for 4 years with the first party. He filed application in the recruitment procedure on 2013 and 2014. He was not selected in the said recruitment procedure. Even then also he was in continuous service with the first party till 25.07.2015.

9. From the said evidence it shows that he has continuously worked with the first party for more than 240 days in each year before termination. He also deposes that he has completed more than 240 days service before his termination. First party has not complied provisions of Section 25F of the Industrial Disputes Act, 1947. First party has violated the condition precedent for retrenchment. Therefore, termination is illegal and liable to be set aside.

10. Section 25 F & 25 B of Industrial Disputes Act, 1947 is as under : "***Section 25 F :— Conditions precedent to retrenchment of workmen.***- *No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until -*

(a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice:

(b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay [for every completed year of continuous service] or any part thereof in excess of six months; and

(c) notice in the prescribed manner is served on the appropriate Government [or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]"

*"**Section 25 B. Definition of continuous service**.- For the purposes of this Chapter, —*

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorise leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;

(2) Where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer—

(a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than—

(i) one hundred and ninety days in the case of a workman employed below ground in a mine; and

(ii) two hundred and forty days, in any other case;

(b) for a period of six months, if the workman, during a period of six calendar months preceding the datge with reference to which calculation is to be made, has actually worked under the employer for not less than -

(i) ninety five days, in the case of a workman employed below ground in a mine; and

(ii) one hundred and twenty days, in any other case."

From the above provisions if, the employee has completed continuous service of 240 days as defined in Section 25 B of Industrial Disputes Act, 1947 then employer has to follow the procedure laid down under Section 25F of Industrial Disputes Act, 1947.

11. Therefore, from oral evidence it shows that, second party has continuously worked for more lthan 240 days with the first party before his termination in the last preceding year of his termination. He was orally terminated without compliance of Section 25F of the Industrial Disputes Act, 1947. Therefore, non-compliance of Section 25F itself makes termination order illegal. Therefore, oral termination order dated 25.07.2015 is illegal and liable to be set aside. **Therefore, I answer Points No.1 & 2 in the affirmative**.

12. **As to Point No.3** :— On perusal of entire evidence and record, it shows that the appointment of second party workman is not according to the due procedure of law. It is admitted fact that, he was not selected in the recruitment procedure of 2013 and 2014. He has not filed any appointment letter on record. Therefore, in such circumstances second party is not entitled for reinstatement on the said post. As the first party has not followed procedure laid down under Section 25F of the Industrial Disputes Act, 1947 while terminating the services of second party workman. Therefore, considering the period of service of second party workman in place of reinstatement and back wages he is entitled for monetary compensation of Rs.25,000/- (Rs.Twenty Five Thousand only) from the first party. Therefore, I answer the point No.3 accordingly.

13. **As to Point No.4** :— As the termination order is illegal and set aside as the first party has not complied provisions of Section 25 F of the Industrial Disputes Act, 1947 while terminating the services of the second party. As the appointment of second party is not according to due procedure of law. Therefore, instead of reinstatement second party is entitled for compensation of Rs.25,000/- (Rs.Twenty Five Thousand only) from the first party. Therefore, in order to answer point No.4 I pass the following Award :

AWARD

1. The Reference is answered partly in affirmative.
2. Termination order dated 25.07.2015 of second party is illegal, hence it is set aside.
3. The second party is entitled for monetary compensation of Rs.25,000/- from the first party.
4. Order be complied within the period of three months from the date of publication of Award.
5. No order as to costs.
6. The copy of the Award be sent to the Desk Officer, Government of India/Bhat Sarkar, Ministry of Labour/ Shram Mantralaya, New Delhi for publication and necessary action as per rules.

D.V. JOSHI, Presiding Officer & Judge

Date : 17.04.2018

नई दिल्ली, 6 जून, 2018

का.आ. 951.—राष्ट्रपति, श्री मुरलीधर प्रधान पीठासीन अधिकारी, केन्द्र सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद को दिनांक 05.05.2018 से छः माह की आगे की अवधि तक अथवा नियमित पदस्थ अधिकारी नियुक्ति तक अथवा अगले आदेशों तक, जो भी पहले हो, पीठासीन अधिकारी, केंद्र सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय, बैंगलोर के पद का अतिरिक्त प्रभार सौंपते है।

[सं. ए-11016/03/2009-सीएलएस-II]

अजय मलिक, अवर सचिव

New Delhi, the 6th June, 2018

S.O. 951.—The President is pleased to extend the period of additional charge of the post of Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore entrusted to Shri Murlidhar Pradhan, Presiding Officer, Central Government Industrial Tribunal-cum-Labour, Hyderabad for a further period of 06 months with effect from 05.05.2018, or till the appointment of a regular incumbent, or until further orders, whichever is the earliest.

[No. A-11016/03/2009-CLS-II]

AJAY MALIK, Under Secy.

नई दिल्ली, 12 जून, 2018

का.आ. 952.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई.सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 04/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.06.2018 को प्राप्त हुआ था।

[सं. एल-22012/345/2007-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 952.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of Award (Ref. No. 04/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 06.06.2018.

[No. L-22012/345/2007-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

Ref.: Ministry's Order ***No. L-22012/345/2007 - IR (CM-II)*** *dated 07.01.2008*

This office ***Reference No. 04 of 2008*** *dated 16.01.2008*

Management of Parascole Colliery under Kajora Area of M/s. ECL

v/s

Shri Krishna Bhuiya

SETTLEMENT IN LOK ADALAT

Held on **17th May, 2018** at **C.G.I.T.-cum- L.C., Asansol**

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The **Form 'H'** containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

LOK ADALAT SETTLEMENT

Place : Asansol
Date : 17.05.2018

Reference No. 04 of 2008

Parascole Colliery under Kajora Area of M/s. ECL
v/s
Shri Krishna Bhuiya

Both the parties hereby mutually and amicable settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms :-

- Reinstatement of the concerned employee in the initial basic of General Mazdoor Category – I and treating the period of his absence as dies non. The concerned employee will also get continuity of service for the purpose of Gratuity only. He will not get any Back Wages.

Shri S. Goswami
Dy. Manager (Personnel), Kajora Area, M/s. ECL

Shri S.K. Pandey
Gen. Secy., CM.C. (H.M.S.)
(Representative of the Workman)

Shri Ashish Mohan
Assistant Manager (Personnel), Parascole Colliery, M/s. ECL

PRAMOD KUMAR MISHRA
(Presiding Officer)

नई दिल्ली, 12 जून, 2018

का.आ. 953.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 04/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.06.2018 को प्राप्त हुआ था।

[सं. एल-22012/95/2015-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 953.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of Award (Ref. No. 04/2016) of the Central Government Industrial Tribunal-cum-Labour Court, asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 06.06.2018.

[No. L-22012/95/2015-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, ASANSOL

Ref.: Ministry's Order ***No. L-22012/95/2015 - IR (CM-II)*** *dated 23.12.2015*

This office ***Reference No. 04 of 2016*** *dated 08.01.2016*

Management of Parascole Colliery under Kajora Area of M/s. ECL
v/s
Shri Sanjeeb Kora

SETTLEMENT IN LOK ADALAT

Held on **17th May, 2018** at **C.G.I.T.-cum- L.C., Asansol**

AWARD

On amicable settlement by both parties the dispute is resolved in the Lok Adalat. The **Form 'H'** containing the terms of agreement of this settlement to be executed by both the parties in due course. Award is passed and signed accordingly.

PRAMOD KUMAR MISHRA, Presiding Officer

IN THE COURT OF CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, ASANSOL

LOK ADALAT SETTLEMENT

Place : Asansol
Date : 17.05.2018

Reference No. 04 of 2016

Parascole Colliery under Kajora Area of M/s. ECL
v/s
Shri Sanjeeb Kora

Both the parties hereby mutually and amicable settle up the dispute for the interest of both sides and to help securing a healthy & conducive relationship for maximization of output in the industry.

Terms :-

- Reinstatement of the concerned employee in the initial basic of General Mazdoor Category–I and treating the period of his absence as dies non. The concerned employee will also get continuity of service for the purpose of Gratuity only. He will not get any Back Wages.

Shri S. Goswami
Dy. Manager (Personnel), Kajora Area, M/s. ECL

Shri Sajeeb Kora
(Workman)

Shri Ashish Mohan
Assistant Manager (Personnel), Parascole Colliery, M/s. ECL

PRAMOD KUMAR MISHRA
(Presiding Officer)

नई दिल्ली, 12 जून, 2018

का.आ. 954.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 08/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.06.2018 को प्राप्त हुआ था।

[सं. एल-22012/12/2011-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 954.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of Award (Ref. No. 08/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. B.C.C.L. and their workmen, received by the Central Government on 06.06.2018.

[No. L-22012/12/2011-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 08 OF 2011

PARTIES :

The management of Begunia Colliery / Project of M/s. BCCL

v/s

Shri Biswajit Bandyopadhyay

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workmen) : Shri Gora Chand Chatterjee, Learned Union Representative

Industry : Coal State : West Bengal

DATED : 10.05.2018

A W A R D

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/12/2011-IR(CM-II)** dated 18.05.2011 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited in not giving wages from 16.07.2004 to 10.02.20085 along with all consequential benefits such as (i) Arrear payment of NCWA–VIII effective from 01.07.2006 (ii) LTC/LLTC – for the block year 2004-2007 (iii) Annual increment off the year 2004 to 2007 (iv) pending TA bills for the period from 10.09.2003 to 09.074.2004 (v) Annual Bonus for the service period i.e. from 2004 to 2007 (vi) Quarterly Bonus for the service period i.e. from 2004 to 2007 (vii) benefit of basic fitment of wages (viii) any other consequential benefits arising out of wrongful withdrawal of service / illegal stoppage from duty (ix) continuity in service for the period from 16.07.2004 to 10.02.2008 and benefit of Gratuity linked there is fair and justified? To what relief the concerned workman Shri Biswajit Bandyopadhyay is entitled to? "

1. Having received the Order **NO. L-22012/12/2011-IR(CM-II)** dated 18.05.2011 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference

Case No. **08 of 2011** was registered on 07.06.2011. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Shri Mukti Pada Banerjee father of concerned workman was in employment of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited as Dy. Personnel Manager in E IV Grade. He was declared medically unfit on 19.08.1991 by competent medical board. Therefore he proceeded on Voluntary Retirement on Medical Ground w.e.f. 06.12.1991 vide Ref No. BCCL/EE/91/26513-21 (A) dated 06.12.1991. There is provision for providing one employment to the dependent of the person who seeks Voluntary Retirement on Medical Ground. Shri Mukti Pada Banerjee preferred claim for the employment of his son Shri Biswajit Bandyopadhyay but the same was regretted. Shri Mukti Pada Banerjee filed a Writ Petition before the Hon'ble High Court of Kolkata. The Hon'ble High Court of Kolkata was pleased to pass order to consider the case of son of Shri Mukti Pada Banerjee on compassionate ground in terms of provision of Common Coal Cadre preferably within 6 (Six) weeks. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited in compliance with the Hon'ble Kolkata High Court's judgment provided provisional employment to Shri Biswajit Bandyopadhyay as General Mazdoor. After providing employment the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited filed an appeal before the Hon'ble Kolkata High Court. The Hon'ble Kolkata High Court was pleased to pass an order on 09.09.2003 with direction to the management to consider giving employment to the son of petitioner, if he is suitable for post within a period of 4 (Four) weeks. The management of Begunia Colliery/ Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited against the order of the Hon'ble Kolkata High Court filed special writ petition in 2004 before the Hon'ble Supreme Court. The Hon'ble Supreme Court stayed the operation of impugned order dated 09.09.2003 of the Hon'ble Kolkata High Court. In view of the Order of the Hon'ble Supreme Court the employment of Shri Biswajit Bandyopadhyay was withdrawn vide Letter No. BCCL/PA-VI/ 11269-74 dated 14/15.07.04. Consequently Shri Biswajit Bandyopadhyay was stopped form employment w.e.f. 16.07.2004 the Hon'ble Supreme Court dismissed the Appeal No. 5462 of 2005. The Hon'ble Supreme Court observed that since the appeal is dismissed, therefore Interim Order dated 16.01.2004 is set-a-side. In light of order of the Hon'ble Supreme Court the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited again provided employment to Shri Biswajit Bandyopadhyay vide Office Order No. DY.CPM/CV/Pers/00/08/150 dated 28.01.2008. Shri Biswajit Bandyopadhyay since then has been working as General Mazdoor. The concerned workman Shri Biswajit Bandyopadhyay had to remain idle form 16.07.2004 to 10.02.2008 without his fault. He was deprived of the following benefits which are as follows :

(i) *Wages for the period 16.07.2004 to 10.02.2008 (for the period of years 6 months and 25 days)*

(ii) *Arrear Payments as per NCWA VII effective from 01.07.2001.*

(iii) *Arrear Payments of wages as per NCWA VIII effective from 01.07.2006.*

(iv) *LTC / LLTC for the block year 2004 to 2007.*

(v) *Annual increment from 2004 to 2007.*

(vi) *Pending TA Bill from 10.09.2003 to 09.07.2004.*

(vii) *Annual Bonus for the year 2004 to 2007.*

(viii) *Quarterly Bonus from 2004 to 2007.*

(ix) *Benefit of Basic fitment of wages.*

(x) *Continuity of service for the broken period and benefit of Gratuity.*

(xi) *Any other benefit arising out of wrongful withdrawal of Service like promotion to next higher grade/ Post.*

The concerned workman shall be allowed continuity of service and all benefits during his period of idleness. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has not allowed the concerned workman the continuity of service and consequential benefits even at the time of providing employment for 2nd time as per order of the Hon'ble Supreme Court. The workman has prayed that the Tribunal may kindly consider the claim of the workman Shri Biswajit Bandyopadhyay and direct the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited to pay all these monetary benefits including the continuity of service as mentioned above.

3. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has filed written statement. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has admitted in their written statement that Shri Biswajit Bandyopadhyay was dependent son of Shri Mukti Pada Banerjee. He was offered appointment on compassionate ground, as dependent son of Shri Mukti Pada Banerjee, on the post of General Mazdoor. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has admitted in his written statement that on rejection of appointment proposal of Shri Biswajit Bandyopadhyay son of Shri Mukti Pada Banerjee, Shri Mukti Pada Banerjee moved to the Hon'ble Kolkata High Court. On the order of the Hon'ble Kolkata High Court Shri Biswajit Bandyopadhyay was offered provisional employment on the post of General Mazdoor. The appeal of management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited was also dismissed by the Hon'ble Kolkata High Court. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited filed Special Leave Petition before the Hon'ble Supreme Court. The Hon'ble Supreme Court passed an interim order on 16.01.2004 and stayed the operation of order of the Hon'ble Kolkata High Court dated 09.09.2003. But ultimately the Hon'ble Supreme Court Civil Appeal no. 5462 of 2005 dismissed the appeal of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited. The Hon'ble Supreme Court by dismissing the appeal vacated the stay order dated 16.01.2004. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has also admitted that consequently Shri Biswajit Bandyopadhyay was offered 2nd time employment. Management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited passed the order to re-instate Shri Biswajit Bandyopadhyay. Consequently Shri Biswajit Bandyopadhyay joined on the post of General Mazdoor. The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has alleged that the concerned workman Shri Biswajit Bandyopadhyay is not entitled for payment form 16.07.2004 to 10.02.2008 because he was not in service. But management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has admitted that for the period in which Shri Biswajit Bandyopadhyay was in service he is entitled for Arrear payment as per National Coal Wage Agreement – VII. He is also entitled for LTC / LLTC for Block year 2004-2007. He is also entitled for pending TA bill. Rest of the benefit has been denied.

4. Workman has filed the following documentary evidences :

(i) Photocopy of the Letter Ref No. BCCL/EE/91/26513-21 (A) dated 06.12.1991, (ii) Photocopy of the Ref. No. DCPM/XII/03/A-7/93/1520 dated 14/15.06.1993, (iii) Photocopy of the decision of the Hon'ble Kolkata High Court dated 11.11.1998, (iv) Photocopy of the Letter Bef. No. CGM.DCPM:XII 03:A-7/Disability/HC/99/2367 dated 22.10.1999, (v) Photocopy of the decision of the Hon'ble Kolkata High Court dated 09.09.2003, (vi) Photocopy of the Petition for Special Leave to Appeal No. 42 of 2004, (vii) Photocopy of the Letter Ref. No. BCCL/PA-VI/11269-74 dated 14/15.07.2004, (viii) Photocopy of the Award of Civil Appeal No. 5462 of 2005, (ix) Photocopy of the Letter Ref. No. DCPM/CV/Pers/00/08/150 dated 28.01.2008, (x) Photocopy of the Letter Ref. No. BCCL/XII/BP/09/151 dated 09.02.1999, (xi) Copy of National Coal Wage Agreement – VII Implementation Instruction No. 1

The workman Shri Biswajit Bandyopadhyay has filed affidavit in his oral evidence. He has been cross-examined by the learned advocate of the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited.

The management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited has filed any documentary or oral evidence.

5. I have heard the arguments of Shri Gora Chand Chatterjee, learned Joint General Secretary of Dhanbad Colliery Karmachari Sangh (B.M.S) on behalf of the workman and Shri P. K. Das learned advocate on behalf of the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited.

6. Shri P. K. Das, learned advocate of the management has argued that since workman Shri Biswajit Bandyopadhyay was out of employment for the period 16.07.2004 to 10.02.2008 he is not entitled for any service benefits as claimed by the workman. On the other hand Shri Gora Chand Chatterjee, learned union representative, representing the workman has argued that the workman Shri Biswajit Bandyopadhyay was offered employment on compassionate ground on the order of the Hon'ble Kolkata High Court. Since, the order was stayed by the Hon'ble Supreme Court his service was discontinued. But in final order the Hon'ble Supreme Court dismissed the appeal. In light of the order of the Hon'ble Supreme Court Shri Biswajit Bandyopadhyay was re-instated therefore he is entitled for all the service benefits.

7. It is admitted by both the parties that Shri Biswajit Bandyopadhyay is son of Shri Mukti Pada Banerjee. Shri Mukti Pada Banerjee was an employee of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited on the post of Dy. Personnel Manager. It is also admitted fact that as per provision of Common Coal Order if any workman seeks Voluntary Retirement on Medical ground his dependent son is entitled for employment on Compassionate ground. But the employment proposal of Shri Biswajit Bandyopadhyay was rejected

by the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited. Shri Biswajit Bandyopadhyay was offered employment as per direction of the Hon'ble Kolkata High Court. In appeal the Hon'ble Kolkata High Court reaffirmed its order. In Special Leave Petition the Hon'ble Supreme Court passed interim order and stayed the order of the Hon'ble Kolkata High Court. But the Hon'ble Supreme Court in Civil Appeal No. 5462 of 2005 dismissed the appeal of management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited and clarified that interim order dated 16.01.2004 does not survive.

8. In view of the above admitted facts it is apparent that Shri Biswajit Bandyopadhyay was offered employment as per direction of the Hon'ble Kolkata High Court though. In light of interim order of the Hon'ble Supreme Court the Order of the Hon'ble Kolkata High Court was stayed. But management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited without waiting the final order in Civil Appeal No. 5462 of 2005 discontinued the service of Shri Biswajit Bandyopadhyay. In Final Order in Civil Appeal No. 5462 of 2005 the Hon'ble Supreme Court dismissed the appeal and vacated the order of interim stay dated 16.01.2004. Consequently the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited had no option left but to permit the joining of Shri Biswajit Bandyopadhyay in second time. Had the management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited, in his wisdom, would have waited for final order this situation would not have arisen.

9. In this factual matrix it is needless to say that Shri Biswajit Bandyopadhyay, in spite of provision of Common Coal Cadre for compassionate appointment was unable to get employment without intervention of the Hon'ble Kolkata High Court and the Hon'ble Supreme Court. His period of idleness i.e. form 16.07.2004 to 10.02.2008 was without his own fault. At the cost of repetition it is relevant to mention that if management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited would have waited for the final order of the Hon'ble Supreme Court Shri Biswajit Bandyopadhyay would not have been thrown form employment form 16.07.2004 to 10.02.2008. It will be deemed that he was in employment form 16.07.2004 to 10.02.2008. In light of National Coal Wage Agreement he is entitled for service benefits as claimed in his written statement.

10. In light of above discussion the action of management of Begunia Colliery / Project under Chanch Victoria Area of M/s. Bharat Coking Coal Limited in not giving wages from 16.07.2004 to 10.02.20085 along with all consequential benefits such as (i) Arrear payment of NCWA–VIII effective from 01.07.2006 (ii) LTC/LLTC – for the block year 2004-2007 (iii) Annual increment off the year 2004 to 2007 (iv) pending TA bills for the period from 10.09.2003 to 09.074.2004 (v) Annual Bonus for the service period i.e. from 2004 to 2007 (vi) Quarterly Bonus for the service period i.e. from 2004 to 2007 (vii) benefit of basic fitment of wages (viii) any other consequential benefits arising out of wrongful withdrawal of service / illegal stoppage from duty (ix) continuity in service for the period from 16.07.2004 to 10.02.2008 and benefit of Gratuity linked there is unfair and unjustified. The workman Shri Biswajit Bandyopadhyay is entitled for above mentioned benefits.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 12 जून, 2018

का.आ. 955.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई.सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 26/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.06.2018 को प्राप्त हुआ था।

[सं. एल-22012/34/2009-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 955.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2009) of the Central Government Industrial Tribunal-cum-Labour Court, asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 06.06.2018.

[No. L-22012/34/2009-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 26 OF 2009

PARTIES :

The management of Lachipur Colliery of M/s. ECL

v/s

Shri Barun Chandra Mondal

REPRESENTATIVES :

For the Management : Shri P. K. Das, Learned Advocate

For the Union (Workmen) : Shri Rakesh Kumar, Gen. Secy. of K.M.C.

Industry : Coal State : West Bengal

DATED : 16.05.2018

A W A R D

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/34/2009–IR (CM-II)** dated 10.11.2009 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of M/s. ECL in not promoting Shri Barun Chandra Mondal, Asstt. Foreman to the post of Foreman is legal and justified? To what relief is the workman concerned entitled? "

1. Having received the Order **NO. L-22012/34/2009–IR (CM-II)** dated 10.11.2009 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **26 of 2009** was registered on 30.11.2009. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Lachipur Colliery of M/s. Eastern Coalfields Limited and Shri Rakesh Kumar, union representative appeared on behalf of the workman Shri Barun Chandra Mondal.

3. Shri Rakesh Kumar representative of the workman Shri Barun Chandra Monda submits that the case may be closed as the workman is not interested to proceed with the case further. He also made an endorsement on the Order Sheet to this effect. Since, the workman as well as the union are now not at all interested to proceed with the case further. Therefore the Tribunal has no option left but to close the case. As such the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

O R D E R

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

[PRAMOD KUMAR MISHRA, Presiding Officer]

नई दिल्ली, 12 जून, 2018

का.आ. 956.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स ई.सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण-सह-श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 15/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 06.06.2018 को प्राप्त हुआ था।

[सं. एल-22012/152/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 956.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Corrigendum of Award (Ref. No. 15/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure, in the industrial dispute between the management of M/s. E.C.L. and their workmen, received by the Central Government on 06.06.2018.

[No. L-22012/152/2005-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT : Shri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 15 OF 2009

PARTIES :

The management of Ratibati Colliery of M/s. ECL

v/s

Late Shri Budhan Bouri

REPRESENTATIVES :

For the Management **:** Shri P. K. Das, Learned Advocate

For the Union (Workman) **:** None

Industry **:** Coal State **:** West Bengal

Dated **:** 11.05.2018

A W A R D

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/152/2005–IR (CM-II)** dated 23.03.2009 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

" Whether the action of the management of M/s. ECL in not providing employment to the dependent of Late Shri Budhan Bouri is legal and justified? To what relief is the dependent entitled? "

1. Having received the Order **NO. L-22012/152/2005–IR (CM-II)** dated 23.03.2009 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **15 of 2009** was registered on 31.03.2009 / 01.04.2009. Accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned, directing them to appear in the court, on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. Both the parties appeared in the Tribunal, through their representative.

2. Case called out. Shri P. K. Das, learned advocate appeared on behalf of the management of Ratibati Colliery of M/s. Eastern Coalfields Limited and filed his authorization. But none appeared on behalf of the workman Late Shri Budhan Bouri.

3. On perusal of the case record I find that the workman / union has not been appearing before the Tribunal from the very beginning. Since then 14 dates have been granted. Registered notices were also issued on 08.04.2009, 16.01.2014 and 09.07.2015 but all are in vain. It seems that the workman has no interest to proceed with the reference.

As such no dispute exists between both the parties and I have no option left but to close the case. As such the case is closed and accordingly a **'No Dispute Award'** is hereby passed.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

[PRAMOD KUMAR MISHRA, Presiding Officer]

नई दिल्ली, 12 जून, 2018

का.आ. 957.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महानिर्देशिक, भारतीय पुरातत्व सर्वेक्षण के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 19/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29.05.2018 को प्राप्त हुआ था।

[सं. एल-42012/54/2005-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 12th June, 2018

S.O. 957.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Kanpur as shown in the Annexure, in the industrial dispute between the management of Director General, Archaelogical Survey of India and their workmen, received by the Central Government on 29.05.2018.

[No. L-42012/54/2005-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE SHRI SHUBHENDRA KUMAR, HJS,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
SHRAM BHAWAN, ATI CAMPUS, UDYOG NAGAR, KANPUR

ID. No. 19 of 2006

The General Secretary,
All India Archaeological Survey Mazdoor Union,
43/305/18, Nai Awadi,
Near Mission Church, Sikandara,
AGRA(U.P)-282007

Versus

1. The Director General,
   Archaelogical Survey of India,
   Janpath,
   New Delhi-110011

2. The Superintending Archaeologist,
   Archeological Survey of India,
   Agra Division, 22, Mall Road,
   AGRA (U.P)-282001.

AWARD

1. Central Government, MOL, vide notification no. L-42012/54/2005-IR (CM-II) dated 24.02.2006 has referred the following dispute to this Tribunal for adjudication.

2. "Whether the claim of the union for reinstatement & regularization in services of Shri Rakesh S/o Shri Ram Chandra & 7 others (list enclosed) is legal and justified? If yes to what relief the workmen concerned are entitled?"

List of Workers made part of the reference order

Sl. No.	Name of the Workman	Period of service rendered	Place where was Posted
1	Shri Rakesh S/o Ramchandra	1.4.1997 to 31.7.2003	Chinikaroja, Kaliburj etc.
2	Shri Balbirsingh S/o Tikaram	1.1.1998 to 28.7.2003	Kaliburg, Rambagh etc.
3	Shri Ramborashi S/o Pritam Singh	6.4.1997 to 31.3.2002	Mahtab Bagh, Jaswant Singh etc.
4	Shri Omi S/o Tikaram	1.1.1996 to 31.3.2001	Atmadoula, Rambagh, Chini etc.
5	Shri Puransingh S/o Ojhammanlal	6.1.1997 to 30.6.2003	As above
6	Shri Brij Mohan S/o Hotilal	1.4.96 to 25.3.2001	As above
7	Shri Choub singh S/o Nathilal	10.1.2002 June, 2003	Atmudoula
8	Smt. Bhagwan dei W/o Dhaniram	1.8.1997 to 31.5.2003	Chini ka Roja, Jaswant Singh ki Chatri etc.

3. The union raising the dispute on behalf of the above workers has stated in its statement of claim that the above workers have been employed as casual labors by the opposite party at different monuments located at Agra who have worked continuously for more than 240 days in each calendar year from the date of their initial engagements till the date of their respective disengagement. It is further pleaded that at the time of disengagement of their services management has not complied with the provisions of section 25H and 25G of the Act. The union further pleaded that hundreds of junior casual labors are still in the employment of the management at different monuments but the disputed workers were not retained in the service by the management and as such management has breached the provisions of Rule 77 and 78 of I.D. Rules. Their services have been dispensed with by the management without any reason or rhyme thus the worker himself with their family members are facing problems of starvation. Worker Chob Singh died during the pendency of the dispute on 08.04.15.

4. In this way the Union has prayed that the workers shown in the enclosed list be reinstated from the date of their disengagement with full back wages and be declared as regular employee.

5. The union has filed certain photocopies of documents with their claim statement and that shall be dealt with at the appropriate stage while discussing the merit of the case.

6. In reply the management has filed their written statement alleging therein that the allegations of the union are baseless, false and fictitious. It is stated that the applicants had worked during the intermittent periods for short durations against sanctioned estimates and they were disengaged as soon as the works ere completed or the funds exhausted. The provisions of Industrial Disputes Act are not applicable upon the management and the casual labors like the applicants cannot claim their continuation in work or regularization as a matter of right. It is further alleged that the applicants had left the engagement of their own and hence exigency of work required the utilization of other casual labors to complete given assignment. The department has its obligations and it is unanswerable to the teeming millions of the country and the respondent cannot wait to return of the applicants to wok to complete the assignment. The work is time bound and the sanctioned items of work of a year have to be completed in the same year.

7. It is stated in the written statement that Sri Rakesh has worked for 78 days in the year 1987, 130 days in the year 1999-2000 and 158 days in the year 2001. Likewise Balbir has worked for 83 days during the period 1.12.99 to 28.02.2001 and Sri Ram Bharose has worked for 111 days in 2000, Sri Pooram Singh has worked for 439 days during the period from 1.9.98 to 31.8.2003 and Sri Braj Mohan has worked for 295 days during the period from 1.8.97 to 29.3.2001 and Sri Chob Singh has worked for 26 days in the year 1999 and lastly Smt. Bhagwan dei has never worked with the management.

8. Accordingly it is prayed that under the facts and circumstances narrated herein above the claim of the union be rejected.

9. In the instant case no rejoinder statement has been filed by the union.

10. On behalf of Union Rakesh has been examined as w.w.1, whereas the management has examined Raj Narain as M.W.1, in support of their respective cases.

11. I have heard the arguments of both the parties and have also gone through the records of the case.

12. The reference is with regard to reinstatement and regularization in the service of worker under the management. As the union itself has admitted in the claim statement that the workers whose case is referred to this Tribunal were working as casual labor, therefore, the demand of the union for regularization of services of worker cannot be held legal and justified as per settled legal position that casual employee has no right to claim regularization of his service therefore these casual employee cannot be granted relief of regularization of their service under the management.

13. As regards breach of provisions of section 25H of the act, it has to be seen in this case that whether the worker have worked with the management and whether management after terminating the services of workers have inducted fresh hands in service without considering the fact that retrenched workers should be given priority in reemploying fresh worker as casual labours.

14. WW1 Rakesh, worker has stated on oath that his services were terminated without notice and retrenchment compensation. He further stated that after disengagement management appointed 40 new faces in the service. He has also stated that the workers worked for more than 240 days which fact is denied by management witness MW1 Sri Raj Narayan who has stated that Smt. Bhagwan dei had never worked with the management and seven other workers have not worked continuously for 240 days.

15. As worker Rakesh in his statement on oath has specifically stated that after their retrenchment management has engaged 40 new faces and this fact was neither rebutted by the management witness Raj Narayan nor there was any cross examination of witness Rakesh WW1 on this point. Therefore this statement of worker stands un- rebutted. It is settled law by Hon'ble Apex Court and several Hon'ble High Courts that for applicability of section 25H of the act it is not required that a worker must be under continuous employment for 240 days.

16. Worker has also filed information received under RTI act from the management which shows that 4 person in group D were engaged from 2010 by way of direct recruitment and also from SSC. It is also proved that after termination of worker management engaged persons from outside also apart from engaging worker through SSC at the post of MTS and it is also case of management (to quote para 3 of management parawise reply) wherein it is alleged that the spirit of the judgment of the Hon'ble apex court holds that while granting engagement to a particular person, the department should not be oblivious of the requirements of the teeming millions of the country. Their interests are also needed to be guarded. However, it is submitted that the applicants had left the engagements on their own and hence exigencies of work required the utilization of other casual laborers to complete given assignments. The department has its obligations and it is answerable to the teeming millions of the country. The answering respondent cannot wait for the return of the applicants to work to complete the assignment. The works are time bound and the sanctioned items of work of a year have to be competed in the same year. Hence, if one does not turn up, the department has to get the work done by other available work force. The claims of the applicants do not stand to any legal justification.

17. The admission made by the management in para 3 (Supra) it absolutely contradicts the provisions of 25H of the act and is directly against it. It is provided in section 25H of ID ACT of 1947 that if employer proposes to take up into his employment any person, it is duty of employer to give an opportunity to the retrenched workman to offer themselves for reemployment and those retrenched workmen who offers themselves shall have preference over other persons.

18. As provided in section 25H of the act it was duty of the management that before giving employment to another person from outside, first to call upon the retrenched employee and offer them for reemployment. As management failed to adopt the provision of section 25H of the ID ACT and have not stated anywhere that workers were given notices offering their reemployment, therefore, the action of the management for not reinstating the workers mentioned at serial no. 1 to 6 as above in service is neither legal nor justified.

19. As worker Chob Singh mentioned at serial no.7 was admittedly died during the pendency of this dispute and Smt. Bhagwan Dei had never worked with the management, hence they are held entitled to no relief.

20. Having concluded that the action of the management is in gross violation of section 25-H of Industrial Disputes Act, 1947, when they failed to offer reemployment to the workers involved in the present case at the time of engaging fresh persons, it is held that the action of the management in not reinstating the workers in their service is neither legal nor just.

21. Accordingly Shri Rakesh s/o Ram Chandra is entitled to be reinstated in service w.e.f 1.08.2003, Shri Balbir Singh s/o Tikaram is held entitled for his reinstatement form 29.07.2003, Shri Ramborashi s/o Pritam Singh is entitled for his reinstatement w.e.f from 1.4.2002, Shri Omi s/o Tikaram is entitled for his reinstatement w.e.f 1.4.2001,

Shri Puran singh s/o Ojhammanlal is entitled for his reinstatement w.e.f 1.7.2003 and lastly Shri BrajMohan s/o Hotilal is held entitled for his reinstatement w.e.f 26.3.2001, in the services of Management.

22. As regards admissibility of back wages to these workers is concerned, admittedly workers have failed to prove that they were not in gainful employment anywhere else during the period they remained outside the job of the management, hence it is held that they are not entitled for any back wages, but shall be entitled for continuity of service and other consequential benefits.

23. In view of above observations the reference is answered in favor of the Union and against the management.

SHUBHENDRA KUMAR, Presiding Officer

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